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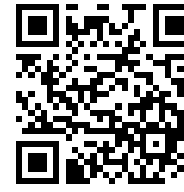

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Brit. Laws Statutes etc. Naval

THE Hon. Stanley Atkin.

ADMIRALTY STATUTES:

BEING THE Judge Advocate of the Fleet.

PUBLIC STATUTES ACTUALLY IN FORCE RELATING TO THE ADMIRALTY AND HER MAJESTY'S NAVY

1887. C4

From 5 & 6 Edw. VI. (A.D. 1552) to 48 & 49 Vict. (A.D. 1885) inclusive,

ARRANGED IN CHRONOLOGICAL ORDER,
AND FOLLOWED BY AN INDEX.

UNDER THE AUTHORITY OF THE LORDS COMMISSIONERS OF THE ADMIRALTY.

BY

ALBERT VENN DICEY,
OF THE INNER TEMPLE, AND

JOHN LEYBOURN GODDARD,
OF THE MIDDLE TEMPLE,
BARRISTERS-AT-LAW.

SECOND EDITION.

LONDON:
PRINTED BY EYRE AND SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.
FOR HER MAJESTY'S STATIONERY OFFICE.

1886.

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CORRIGENDUM.

Pp. 621 and 622, *for* 39 & 40 Vict. c. 85., *read* 39 & 40 Vict. c. 80.

MAY 27 1929

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PREFACE TO FIRST EDITION.

2, Brick Court, Temple,
March 1875.

SIR,

I HAVE now to present to you, for the approval of the Lords Commissioners of the Admiralty, the collection of Admiralty Statutes on which I have been at work, under your direction, since the summer of 1872.

I avail myself of this opportunity of calling attention to the object of the collection, the principles by which I have been guided in its formation, and lastly, the features by which it is distinguished.

The object of this work is to present within a moderate space all the Public Statute Law relating to the Admiralty or the Navy actually in force at the end of the session of 1874. It resembles, therefore, in its general aim and character the earlier series of Admiralty Statutes, published by Mr. Raithby under the authority of the Admiralty in 1823, and continued by Mr. Godson under the same authority in 1846.

In forming this collection of statutes I have adhered to the following principles:—First, that all enactments ought to be excluded which either are not in force, or do not refer to the functions or duties of the Admiralty or Naval service as they at present exist; secondly, that all enactments ought to be included which are in force, and have reference either to the Admiralty as a Government office or to the Naval service; and, lastly, that in the application of the foregoing principles theoretical consistency should always yield to practical convenience.

The result of my application of these rules has been that the work is marked by the following features:—

1st. All statutes and all parts of any statute which are repealed or have expired, or have become spent, are omitted.

On this account all repealing statutes, all schedules containing repealed enactments, and speaking generally, all repealing sections have been left out of the collection. In one or two cases indeed the peculiar form in which a repeal is expressed, or some other special circumstance, has led to the retention in the book of a repealing section, but these cases are very rare.

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2ndly. The collection consists of Public Statutes only.

One or two Acts, such as the Chatham Lands Purchase Act, 1857 (20 & 21 Vict. c. 30.), of an essentially local character, have been inserted in the work on account of their direct reference to the Admiralty; but even of these Acts, all with one possible exception, are technically Public Statutes, and are published among the Public Acts of the year to which they each belong. The exclusion of Local Acts has been facilitated by the fact that most of the Acts of this character which are inserted or referred to in the earlier collections of Admiralty Statutes have reference to harbours or rivers, matters with which the Admiralty have, I conceive, since 1862 had little concern.

The desire to exclude local enactments and to save space has led me to omit the Derwentwater Estate Acts. These Acts are, as regards the Admiralty, of the nature of title deeds, and will probably always be at hand in the office for reference when any question arises with regard to the Derwentwater property. The Admiralty further have, as I am informed, already parted with a great part of the Derwentwater estates. There would, therefore, it seems to me, be little practical gain in allowing these Acts to crowd a collection, which is of necessity bulky enough, and ought, if possible, to be restricted within the limits of a convenient size.

3rdly. All enactments are as a rule excluded from the present collection, which do not directly concern either the Admiralty or the Navy.

Hence, enactments which concern the Court of Admiralty are in general excluded, except in so far as their provisions may confer powers upon the Admiralty (*e.g.*, of sanctioning appointments); so too, as a rule, I exclude Acts, such as 13 Ric. II. stat. 1. c. 5., relating to the criminal jurisdiction of the Admiralty, since such enactments, though nominally referring to the Admiralty, form in reality part of the criminal law.

The mass of Fishery Acts, commencing with 13 Geo. I. c. 30., and coming down to 36 & 37 Vict. c. 13., have also for similar reasons been, after some hesitation on my part, omitted. They are very numerous, their bulk is considerable, and their provisions do not, as a rule, directly refer either to the Admiralty or to the Naval service. Naval officers, moreover, when acting in furtherance of the fishery laws, are, as I am informed, supplied with the special Act or Acts on which their authority depends. I have, therefore, thought it best to omit

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almost the whole of these statutes. One or two sections of the Fishery Acts under which the Admiralty appear still to possess powers of appointment are inserted, as are also 59 Geo. III. c. 38. and the Sea Fisheries Act, 1868 (30 & 31 Vict. c. 45.) The two latter Acts claim a place in the collection, because they regulate and refer to the conduct of naval officers in respect of the Newfoundland and French Fisheries.

Even when it has been determined that an Act should form part of the collection, I have endeavoured to insert only those portions of it which relate to the topics with which the book is concerned; thus, to take one example, some sections only of the Customs Consolidation Act, 1853, will be found in this work. The greater part of the Act is omitted as irrelevant. To decide what parts of an Act can be safely omitted is a matter of considerable delicacy. No portion of a statute has been omitted without deliberation, but I have preferred the risk of occasional mistakes to the certain evil of swelling the book with useless and irrelevant matter.

. . . . . .(a)

4thly. The collection is intended to contain all enactments actually in force which form part of the Naval law of the country; and a main feature of the work consists in its presenting in one volume the mass of comparatively recent legislation on Naval subjects.

In one respect perfect theoretical completeness has not been attained, since it has not been found practicable to include in the volume all enactments which are incorporated by reference into Admiralty Statutes. Such incorporated provisions ought in theory to have appeared in the work, since they form part of the Act with which they are incorporated, but the practical difficulty, not to say impossibility, of their insertion, may be understood from the fact that it would have involved the inclusion in the collection of the greater part of the Lands Clauses Acts, and of the Railway Clauses Consolidation Acts.

A word of explanation may be useful as to two minor points, the nature of the notes contained in the collection, and the means taken to call attention to the repeal of parts of the Acts inserted in it.

(a) The portion omitted refers to the Merchant Shipping Acts, and is not applicable to the present edition.

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When I took the present work in hand I did so on the understanding that I was not expected to provide illustrative or explanatory notes; I have, therefore, made no attempt to produce an annotated edition of the Admiralty Statutes. The notes which appear in my collection are simply notes of reference; they are intended to show what are the Acts or sections which, though scattered in different parts of the work, ought to be read together. Occasionally they contain a reference to some Act, which, though not in the collection, is referred to by the statute annotated.

The following means have been taken to call attention to repeals:—

A line of asterisks * * * * * is always intended to mark a repeal. Wherever such asterisks occur they signify that the part which precedes or follows them up or down to the next portion (if any) of the Act in print is repealed.

Thus the asterisks at the commencement of an Act, *e.g.*, 17 Geo. II. c. 40., signify that all the preceding sections are repealed. Asterisks at the end of an Act, *e.g.*, 5 & 6 Edw. VI. c. 16., show that the whole remainder of the Act after the section which precedes the asterisks is repealed. Asterisks between two sections, *e.g.*, sections 2 and 4 of 9 Will. III. c. 41., show that the intermediate portion (in this case section 3) is repealed. So when asterisks occur in the midst of a section they signify that the part thus marked is repealed.

Where a section or portion of an Act is omitted, though not repealed, the omission is not marked by asterisks. Thus, in 16 & 17 Vict. c. 107., the sections between sections 3 and 7 are omitted, but as they are not repealed, no asterisks are inserted.

Some difficulty occurs where consecutive portions of an Act are omitted, some sections only of which are repealed. In such a case no asterisks are inserted; to insert them would suggest that the whole of the omitted portions were repealed. The result is that where part of an Act is omitted and no asterisks appear, as, for example, at p. 190 (*a*), where 16 & 17 Vict. c. 107. s. 7. is immediately followed in the collection by section 47.,

(*a*) That is, p. 190 of the first edition. Part of the statute, commencing with s. 313, will be found in this edition at p. 147, and will still serve for an example of what it was cited to illustrate. Much of the statute preceding s. 313 has been repealed since the first edition was issued by 39 & 40 Vict. c. 36. s. 288, but some of the sections are still in force, and therefore no asterisks are used to denote the repeal.

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all that the reader can infer is, that certainly some part, and possibly the whole, of the intermediate omitted portion is not repealed.

The statutes are arranged in chronological order.

They are preceded by a chronological table of the Acts contained in this volume, which also shows whether the whole or a part, and if a part only what part, of each statute is inserted.

They are followed by an index, for aid in the preparation of which I owe my best thanks to my friend Mr. Leybourn Goddard, of the Temple.

The table and the index will, I trust, add to the practical utility of the collection. That the work is not without its defects I am well aware, but I hope it may on the whole be found to be suitable for the purposes for which it has been composed.

I remain,
Your obedient servant,
A. V. DICEY.

To the Secretary,
The Admiralty,
Whitehall.

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PREFACE TO SECOND EDITION.

THIS work constitutes a second edition of the collection of Admiralty Statutes published in 1875; it is composed on the principles and plan adopted in that collection, and for these the reader is referred to the preface to the first edition.

In one respect only the edition of 1886 differs in principle from the collection of 1875. In the earlier edition the Merchant Shipping Acts were inserted *en bloc;* in this edition only those portions of the Merchant Shipping Acts appear which directly or indirectly concern either the Admiralty or the Navy. In determining what portions of the Merchant Shipping Acts ought to form part of this collection, the principle adopted has been to insert every enactment which directly refers either to the Admiralty or the Royal Navy, and also every enactment which is prominently referred to in the official instructions issued to naval officers. It is almost impossible that such a selection should never err by way either of excess or defect. It is hoped, however, that no grave error will be found to have been committed. The exclusion from the collection of parts of the Merchant Shipping Acts which clearly do not bear upon Naval affairs has, together with the repeals which have taken place since 1874, had one undoubtedly good effect; it has greatly reduced the bulk of this collection. The work contains all the enactments coming within its scope which have been passed between the end of 1874 and the end of 1875; but it is less by more than a hundred pages than the edition of 1875.

A. V. DICEY.
J. LEYBOURN GODDARD.

The Temple,
September 1886.

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CHRONOLOGICAL TABLE

OF

ADMIRALTY STATUTES.

Year, Statute, and Chapter.(1)	Subject-matter.	Whether whole or part of Act inserted.	Page.
5 & 6 Edw. 6. (1551, 2). c. 16. - -	Brokerage of offices - -	Whole(2) Act -	1
2 W. & M. sess. 2. (1690). c. 2. - -	Commissioners of the Admiralty.	Whole Act -	3
6 Anne (1707). c. 41. - -	Office of lord high admiral not determined by demise of Crown.	Section 8 -	4
13 Geo. 2. (1740). c. 17. - -	Exemption from impressment	Whole Act -	5
15 Geo. 2. (1742). c. 22. - -	Exclusion of certain officers from being members of House of Commons.	Whole Act -	6
12 Geo. 3. (1772). c. 24. - -	Royal dockyards - -	Whole Act -	7
37 Geo. 3. (1797). c. 70. - -	Seduction of royal forces at sea.	Whole Act -	8
48 Geo. 3. (1808). c. 110. - -	Superintendent of fisheries -	Sections 9 and 18 (part).	9
49 Geo. 3. (1809). c. 126. - -	Brokerage of public offices -	Whole Act -	11
54 Geo. 3. (1813, 4). c. 159. - -	Royal dockyards - -	Whole Act -	17
55 Geo. 3. (1815). c. 94. - -	Superintendent of loch fishery	Section 9 -	23
c. 128. - -	Power of Admiralty to acquire ground for telegraph stations.	Whole Act -	24
59 Geo. 3. (1819). c. 25. - -	Conveyance of specie on board ships of royal navy.	Whole Act -	30
c. 38. - -	Newfoundland fisheries -	Whole Act -	31
5 Geo. 4. (1824). c. 49. - -	Plymouth victualling establishment.	Sections 1–8 -	34
c. 113. - -	Slave trade - - -	Whole Act, except preamble.	42

(1) As to the numbers and dates of the Acts the Chronological Table published in connection with the *Revised Statutes* is followed.

(2) By the expression "whole Act" is meant the whole of the Act in force, *i.e.*, all those parts of it which neither are repealed, or spent, nor have expired. Occasionally for the sake of saving space, a preamble though unrepealed, is omitted.

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Year, Statute, and Chapter.	Subject-matter.	Whether whole or part of Act inserted.	Page.
6 Geo. 4. (1825).			
c. 22. - -	Exemptions from service on jury (Scotland).	Section 2 -	49
c. 36. - -	Stalls in Pembroke market -	Section 3 -	50
c. 78. - -	Quarantine - - -	Whole Act, except preamble.	50
7 & 8 Geo. 4. (1827).			
c. 65. - -	Powers of the lord high admiral.	Whole Act -	68
9 Geo. 4. (1828).			
c. 66. - -	Nautical almanack - -	Whole Act, except preamble.	70
2 & 3 Will. 4. (1832).			
c. 4. - -	Embezzlement by persons in public service.	Whole Act -	71
c. 40. - -	Civil departments of navy -	Whole Act -	73
4 & 5 Will. 4. (1834).			
c. 24. - -	Pensions - - -	Whole Act -	76
5 & 6 Will. 4. (1835).			
c. 24. - -	Enlistment for navy - -	Whole Act -	80
7 Will. 4. & 1 Vict. (1837).			
c. 31. - -	Commissions in the marines not to expire on demise of Crown.	Whole Act -	83
c. 36. - -	Ship letters - - -	Sections 3, 4, 6, 47, 48.	83
1 & 2 Vict. (1838).			
c. 61. - -	Public offices - - -	Whole Act -	89
2 & 3 Vict. (1839).			
c. 51. - -	Assignment of pensions (poor law).	Whole Act, except preamble.	91
3 & 4 Vict. (1840).			
c. 96. - -	Ship letters - - -	Sections 7, 36, 52–54, 61, and 71.	103
5 & 6 Vict. (1842).			
c. 55. - -	Conveyance of marines by railway.	Sections 20 and 21.	108
c. 94. - -	The Defence Act, 1842 -	Sections 5, 6, and 7.	109
6 & 7 Vict. (1843).			
c. 98. - -	Slave trade - - -	Whole Act -	111
7 & 8 Vict. (1844).			
c. 85. - -	Conveyance of marines by railway.	Sections 12 and 25.	114
8 & 9 Vict. (1845).			
c. 22. - -	Improvement of Fisher Lane, Greenwich.	Sections 21 and 37.	116
10 & 11 Vict. (1847).			
c. 38. - -	Drainage Act. Consent of Admiralty to works on sea-shore.	Sections 19 and 20.	117
c. 62. - -	Naval prisons - -	Whole Act, except preamble.	119
c. 63. - -	Service in marines - -	Whole Act -	123
c. 85. - -	Privilege of seamen as to postage.	Sections 7 and 20.	125
13 & 14 Vict. (1850).			
c. 26. - -	Piracy - -	Whole Act, except preamble.	126

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Year, Statute, and Chapter.	Subject-matter.	Whether whole or part of Act inserted.	Page.
14 & 15 Vict. (1851).			
c. 35. - -	Apprenticeship of boys to royal navy.	Whole Act -	128
c. 49. - -	The Preliminary Inquiries Act, 1851.	Whole Act -	129
15 & 16 Vict. (1852).			
c. 26. - -	The Foreign Deserters Act, 1852.	Whole Act -	131
16 & 17 Vict. (1853).			
c. 69. - -	Service in navy - -	Whole Act -	132
c. 73. - -	Naval volunteers - -	Whole Act -	136
c. 93. - -	Burgh Harbours (Scotland) Act, 1853 (Consent of Admiralty needed for construction of harbours).	Sections 1–3, 7, 8, and 24.	145
c. 107. - -	The Customs Consolidation Act, 1853.	Sections 313–323, 336–345, 357, and 360.	147
17 & 18 Vict. (1854).			
c. 15. - -	Devonport dockyard - -	Sections 1, 2, 6, 8, 9, 12–17, 21, and schedules.	156
c. 104. - -	The Merchant Shipping Act, 1854.	Sections 1, 2, 4, 5, 18–29, 44–54, 62–64, 98, 102–107, 109, 149, 180–187, 194–232, 242–270, 280–287, 396, 432, 439–457, 484–501, 517–543, and schedule, table W.	161
18 & 19 Vict. (1855).			
c. 91 - -	The Merchant Shipping Act Amendment Act, 1855.	Sections 1, 14–18, and 21.	236
c. 104. - -	The Chinese Passengers Act, 1855.	Whole Act -	238
19 & 20 Vict. (1856).			
c. 83. - -	The Coast-guard Service Act, 1856.	Whole Act -	246
20 Vict. (1857).			
c. 1. - -	Service in marines - -	Whole Act -	250
20 & 21 Vict. (1857).			
c. 30. - -	The Chatham Lands Purchase Act, 1857.	Whole Act -	251
22 Vict. (1859).			
c. 26. - -	The Superannuation Act, 1859	Whole Act -	264
c. 28. - -	The Naval Medical Fund -	Whole Act -	269
22 & 23 Vict. (1859).			
c. 40. - -	Naval volunteers - -	Whole Act -	270
23 & 24 Vict. (1860).			
c. 65. - -	Postage on re-directed letters of officers and seamen.	Whole Act -	278
24 & 25 Vict. (1861).			
c. 13. - -	The Plymouth Marine Barracks Act, 1861.	Whole Act -	281
c. 41. - -	The Chatham Dockyard Act, 1861,	Whole Act -	288

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Year, Statute, and Chapter.	Subject-matter.	Whether whole or part of Act inserted.	Page.
24 & 25 Vict.—*cont.*			
c. 96. - -	Larceny (public stores) -	Sections 1 (part), 98–100, 103, 107–113, and 115–121.	297
c. 97. - -	Offences with regard to ships -	Sections 42–49, and 78.	304
c. 98. - -	Forgery - - - -	Sections 40–42 and 50–53.	306
c. 108. - -	The Naval Medical Supplemental Fund Society Winding up Act, 1861.	Whole Act -	309
c. 110. - -	The Old Metal Dealers Act, 1961.	Whole Act -	311
25 & 26 Vict. (1862).			
c. 63. - -	The Merchant Shipping Act Amendment Act, 1862.	Sections 1, 13, 18–20, 22–32, 50, 52, 57, and 58.	317
c. 69. - -	The Harbours Transfer Act, 1862.	Whole Act -	323
26 & 27 Vict. (1863).			
c. 24. - -	The Vice-Admiralty Courts Act, 1863.	Sections 1–9, 11–13, and schedule A.	330
c. 65. - -	The Volunteer Act, 1863 -	Sections 1 and 31–40.	333
c. 69. - -	The Officers of the Royal Naval Reserve Act, 1863.	Whole Act -	337
c. 111. - -	The Naval Medical Fund -	Whole Act -	339
27 & 28 Vict. (1864).			
c. 24. - -	The Naval Agency and Distribution Act, 1864.	Whole Act -	340
c. 25. - -	The Naval Prize Act, 1864 -	Whole Act -	346
c. 57. - -	The Admiralty Lands and Works Act, 1864.	Whole Act -	358
c. 89. - -	The Defence Act Amendment Act, 1864.	Whole Act -	366
c. 103. - -	The Portsmouth Dockyard Act, 1864.	Whole Act -	367
28 & 29 Vict. (1865).			
c. 14. - -	The Colonial Naval Defence Act, 1865.	Whole Act -	370
c. 72. - -	The Navy and Marines (Wills) Act, 1865.	Whole Act -	373
c. 73. - -	The Naval and Marine Pay and Pensions Act, 1865.	Whole Act -	375
c. 89. - -	The Greenwich Hospital Act, 1865.	Whole Act -	377
c. 100. - -	The Harbours Transfer Act, 1865.	Whole Act -	387
c. 111. - -	The Navy and Marines (Property of Deceased) Act, 1865.	Whole Act -	388
c. 124. - -	The Admiralty Powers, &c. Act, 1865.	Whole Act -	392
c. 125. - -	The Dockyard Ports Regulation Act, 1865.	Whole Act -	394
29 & 30 Vict. (1866).			
c. 39. - -	The Exchequer and Audit Departments Act, 1866.	Sections 1, 46, and schedule B.	399

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Year, Statute, and Chapter.	Subject-matter.	Whether whole or part of Act inserted.	Page.
29 & 30 Vict.—*cont.*			
c. 43. - -	The Naval Savings Banks Act, 1866.	Whole Act -	400
c. 62. - -	The Crown Lands Act, 1866 -	Sections 7, 8, 17–23, 32, and 2nd schedule.	402
c. 109. - -	The Naval Discipline Act, 1866. (As amended in accordance with the Naval Discipline Act, 1884, 47 & 48 Vict. c. 39.)	Whole Act -	405
30 & 31 Vict. (1867).			
c. 45. - -	The Vice Admiralty Courts Act Amendment Act, 1867.	Sections 1–3, 13, 16, and 17.	432
c. 100. - -	The Naval Knights of Windsor Act, 1867.	Whole Act -	433
31 & 32 Vict. (1868).			
c. 37. - -	The Documentary Evidence Act, 1868.	Whole Act -	434
c. 45. - -	The Sea Fisheries Act, 1868 -	Sections 1–29, 57–70, and 1st schedule.	437
c. 78. - -	The Admiralty Suits Act, 1868	Whole Act -	462
32 & 33 Vict. (1869).			
c. 11. - -	The Merchant Shipping (Colonial) Act, 1869.	Sections 1, 2, and 8.	464
c. 44. - -	The Greenwich Hospital Act, 1869.	Whole Act -	465
c. 57. - -	The Seamen's Clothing Act, 1869.	Whole Act -	468
c. 60. - -	The Political Offices Pension Act, 1869.	Whole Act -	470
33 & 34 Vict. (1870).			
c. 14. - -	The Naturalization Act, 1870	Whole Act -	473
c. 23. - -	Felony a disqualification for certain offices.	Section 2 -	481
c. 77. - -	Exemptions from service on juries (England).	Sections 2, 9, 12, and schedule (part).	482
c. 90. - -	The Foreign Enlistment Act, 1870.	Whole Act -	483
c. 95. - -	The Passengers Act Amendment Act, 1870 (Carriage of Naval Stores).	Whole Act -	494
c. 97. - -	The Stamp Act, 1870 -	Sections 1–6, and schedule (part).	495
c. 102. - -	The Naturalization Oath Act, 1870.	Whole Act -	499
34 & 35 Vict. (1871).			
c. 36. - -	The Pensions Commutation Act, 1871.	Whole Act -	500
c. 86. - -	The Regulation of the Forces Act, 1871.	Sections 1, 17, and 19.	504
c. 105. - -	The Petroleum Act, 1871 -	Sections 1–5, 7, 8 (part), 9–12, 14, 15 (part), and 16.	505
c. 110. - -	The Merchant Shipping Act, 1871.	Sections 1, 2, 7, and 8.	512
35 & 36 Vict. (1872).			
c. 12. -	The Superannuation Act, 1872	Whole Act -	514

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Year, Statute, and Chapter.	Subject-matter.	Whether whole or part of Act inserted.	Page.
35 & 36 Vict.—*cont.*			
c. 19. - -	The Pacific Islanders Protection Act, 1872 (first called The Kidnapping Act, 1872).	Whole Act -	515
c. 39. - -	The Naturalization Act, 1872	Whole Act -	523
c. 67. - -	The Greenwich Hospital Act, 1872.	Whole Act -	526
c. 73. - -	The Merchant Shipping Act, 1872.	Sections 1 and 17	528
36 & 37 Vict. (1873).			
c. 59. - -	The Slave Trade (East African Courts) Act, 1873.	Whole Act -	528
c. 77. - -	The Naval Artillery Volunteer Act, 1873.	Whole Act -	532
c. 85. - -	The Merchant Shipping Act, 1873.	Sections 1, 2, 3, 7, 16, and 17.	548
c. 88. - -	The Slave Trade Act, 1873 -	Whole Act -	550
37 & 38 Vict. (1874).			
c. 52. - -	Collisions in the Mersey -	Whole Act -	562
c. 88. - -	The Births and Deaths Registration Act, 1874.	Sections 37, 53, and 4th schedule.	563
c. 92. - -	The Alderney Harbour Transfer Act, 1874.	Whole Act -	566
38 & 39 Vict. (1875).			
c. 15. - -	The Sea Fisheries Act, 1875 -	Sections 3 and 4	568
c. 17. - -	The Explosives Act, 1875 -	Sections 1, 3, 34, 39, 67 (part), 69–76, 84, 97–99, 104, 108, 110 (part), 111 (part), 113, 114, 116 (part), and 118 (part).	568
c. 25. - -	The Public Stores Act, 1875 -	Whole Act -	584
c. 51. - -	The Pacific Islanders Protection Act, 1875.	Whole Act -	589
39 & 40 Vict. (1876).			
c. 36. - -	The Customs Laws Consolidation Act, 1876.	Sections 1, 4, 5, 47, 52–54, 121–125, 147, 160, 169–217, 268–274, 277, 284, and 290.	594
c. 46. - -	Slave trade - - -	Whole Act -	616
c. 59. - -	The Appellate Jurisdiction Act, 1876.	Sections 1 and 23.	619
c. 78. - -	The Juries Procedure (Ireland) Act, 1876.	Sections 1, 20, and 1st schedule.	620
c. 80. - -	The Merchant Shipping Act, 1876.	Sections 1, 2, 3 (part), and 34.	621
40 & 41 Vict. (1877).			
c. 16. - -	The Removal of Wrecks Act, 1877.	Whole Act -	622
41 & 42 Vict. (1878).			
c. 73. - -	The Territorial Waters Jurisdiction Act, 1878.	Whole Act -	625

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Year, Statute, and Chapter.	Subject-matter.	Whether whole or part of Act inserted.	Page.
42 & 43 Vict. (1879).			
c. 38. - -	The Slave Trade (East African Courts) Act, 1879.	Whole Act -	627
43 & 44 Vict. (1880).			
c. 16. - -	The Merchant Shipping (Payment of Wages and Rating) Act, 1880.	Sections 1, 8, and 10.	629
44 & 45 Vict. (1881).			
c. 58. - -	The Army Act, 1881 - -	Sections 1, 2, and 91.	630
c. clxxiv. -	The Medway Conservancy Act, 1881.	Sections 1–4, 9, 85, 86, 136, 137, 168–170.	632
c. ccxix. - -	The Solent Navigation Act, 1881.	Whole Act -	637
45 & 46 Vict. (1882).			
c. 32. - -	The Public Offices Site Act, 1882.	Sections 1, 2, 22, 23; and 1st, 2nd, and 3rd schedules.	639
c. 44. - -	The Pensions Commutation Act, 1882.	Whole Act -	643
c. 50. - -	The Municipal Corporations Act, 1882.	Sections 1 and 253–255.	643
46 & 47 Vict. (1883).			
c. 22. - -	The Sea Fisheries Act, 1883 -	Whole Act -	644
c. 32. - -	The Greenwich Hospital Act, 1883.	Whole Act -	664
c. 34. - -	The Cheap Trains Act, 1883 -	Sections 1, 6, and 8.	666
c. 52. - -	The Bankruptcy Act, 1883 -	Sections 1–3, 18 (part), 53, and Bankruptcy Rules, 1883, rr. 71–74.	668
47 & 48 Vict. (1884).			
c. 38. - -	The Indian Marine Service Act, 1884.	Whole Act -	670
c. 44. - -	The Naval Pensions Act, 1884	Whole Act -	672
c. 46. - -	The Naval Enlistment Act, 1884.	Whole Act -	674
48 & 49 Vict. (1885).			
c. 42. - -	The Greenwich Hospital Act, 1885.	Whole Act -	677
c. 49. - -	The Submarine Telegraph Act, 1885.	Whole Act -	679
c. 64. - -	The Appropriation Act, 1885	Sections 6 and 7	687
c. 70. - -	The Sea Fisheries (Scotland) Amendment Act, 1885.	Sections 1–8 (part) and 10.	687
c. 79. - -	The Crown Lands Act, 1885 -	Sections 1–3, and 1st schedule.	691

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THE ADMIRALTY STATUTES.

5 & 6 Edward VI.—A.D. 1552.

Cap. XVI.

An Act against buying and selling of Offices.(1)

For avoiding corruption in offices of justice or places of trust;

penalty on selling any office, or receiving or agreeing to receive money, &c. for any office concerning the administration of justice, or the receipt or control of the King's revenue, or the keeping, &c. of any town, castle, or fortress, or any clerkship in any court of record;

FOR the avoiding of corruption which may hereafter happen to be in the officers and ministers in those courts, places, or rooms, wherein there is requisite to be had the true administration of justice or services of trust; and to the intent that persons worthy and meet to be advanced to the place where justice is to be ministred, or any service of trust executed, should hereafter be preferred to the same, and no other: Be it therefore enacted by the King our Soverign Lord, the lords spiritual and temporal, and the commons, in this present Parliament assembled, and by the authority of the same, that if any person or persons at any time hereafter bargain or sell any office or offices, or deputation of any office or offices, or any part or parcel of any of them, or receive, have, or take any money, fee, reward, or any other profit directly or indirectly, or take any promise, agreement, covenant, bond, or any assurance to receive or have any money, fee, reward, or other profit, directly or indirectly, for any office or offices, or for the deputation of any office or offices, or any part of any of them; or to the intent that any person should have, exercise, or enjoy any office or offices, or the deputation of any office or offices or any part of any of them; which office or offices, or any part or parcel of them, shall in any wise touch or concern the administration or execution of justice, or the receipt, controlment, or payment of any of the King's Highness treasure, money, rent, revenue, account, aulnage, auditorship, or surveying of any of the King's Majesty's honours, castles, manors, lands, tenements, woods, or hereditaments; or any of the King's Majesty's customs, or any other administration or necessary attendance to be had, done, or executed in any of the King's Majesty's custom house or houses; or the keeping of any of the King's Majesty's towns, castles, or fortresses, being used, occupied, or appointed for a place of strength and defence;

(1) This Act is extended to Scotland and Ireland and to other offices by 49 Geo. 3. c. 126. s. 1., p. 11, *post*. It is repealed so far as regards the revenue of customs or officers in the service of the customs, 6 Geo. 4. c. 105.

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or which shall concern or touch any clerkship to be occupied in any manner of court of record, wherein justice is to be ministred; that then all and every such person and persons that shall so bargain or sell any of the said office or offices, deputation or deputations, or that shall take any money, fee, reward, or profit, for any of the said office or offices, deputation or deputations of any of the said offices, or any part of any of them, or that shall take any promise, covenant, bond, or assurance for any money, reward, or profit, to be given for any of the said office or offices, deputation or deputations of any of the said office or offices, or any part of any of them, shall not only lose and forfeit all his and their right, interest, and estate which such person or persons shall then have, of, in, or to any of the said office or offices, deputation or deputations, or any part of any of them, or of, in, or to the gift or nomination of any of the said office or offices, deputation or deputations, for the which office or offices, or for the deputation or deputations of which office or offices, or for any part of any of them, any such person or persons shall so make any bargain or sale, or take or receive any sum of money, fee, reward, or profit, or any promise, covenant, or assurance to have or receive any fee, reward, money, or profit: But also that all and every such person or persons, that shall give or pay any sum of money, reward or fee, or shall make any promise, agreement, bond, or assurance for any of the said offices, or for the deputation or deputations of any of the said office or offices, or any part of any of them, shall immediately by and upon the same fee, money, or reward given or paid, or upon any such promise, covenant, bond, or agreement had or made for any fee, sum of money, or reward to be paid as is aforesaid, be adjudged a disabled person in the law, to all intents and purposes, to have, occupy, or enjoy the said office or offices, deputation or deputations, or any part of any of them, for the which such person or persons shall so give or pay any sum of money, fee, or reward, or make any promise, covenant, bond, or other assurance, to give or pay any sum of money, fee, or reward.

on the seller, forfeiture of all title to the office sold;

on the buyer, disability to hold such office bought, &c.

2. And be it also enacted by the authority aforesaid, that all and every such bargains, sales, promises, bonds, agreements, covenants, and assurances as be before specified, shall be void, to and against him and them by whom any such bargain, sale, bond, promise, covenant, or assurance shall be had or made.

All such sales and agreements, &c. declared void.

3. Provided alway, that this Act, or anything therein contained, shall not in anywise extend to any office or offices, whereof any person or persons is or shall be seised of any estate of inheritance; nor to any office of parkership, or of the keeping of any park, house, manor, garden, chase, or forest, or to any of them; anything in this Act heretofore mentioned to the contrary thereof in anywise notwithstanding.

Proviso for offices of inheritance, parkerships, &c.

4. Provided also, that if any person or persons do hereafter offend in anything contrary to the tenor and effect of this Act,

Acts done by any officer offending, before

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yet that notwithstanding all judgments given, and all other act and acts executed or done by any such person or persons so offending by authority or colour of the office or deputation which ought to be forfeited, or not occupied, or not enjoyed by the person so offending as is aforesaid, after the said offence so by such person committed or done, and before such person so offending for the same offence be removed from the exercise, administration, and occupation of the said office or deputation, shall be and remain good and sufficient in law to all intents, constructions, and purposes, in such like manner and form as the same should or ought to have remained and been if this Act had never been had or made.

his removal, declared valid.

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2 William & Mary, Sess. 2.—A.D. 1690.

CAP. II.

An Act concerning the Commissioners of the Admiralty.(1)

WHEREAS the office of lord high admiral of England hath at sundry times, and for several years been executed, and all the authorities to the same belonging exercised by divers commissioners for that purpose appointed by their Majesties and the late Kings, but of late some doubt hath risen, whether certain authorities belonging to the said office of lord high admiral did or do of right belong to, and might, may, or ought to have been or be exercised by such commissioners for the time being: Now for avoiding all such doubts and questions: Be it declared and enacted by the King's and Queen's most excellent Majesties, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that all and singular authorities, jurisdictions, and powers, which by any Act of Parliament or otherwise have been, and are lawfully vested, settled, and placed in the lord high admiral of England for the time being, have always appertained to, and of right might have been, and may, and shall be had, enjoyed, used, exercised, and executed by the commissioners for executing the office of high admiral of England for the time being, according to their commissions, to all intents and purposes, as if the said commissioners were lord high admiral of England.

The powers of lord high admiral may be executed by commissioners.

2. Provided that nothing in this Act contained shall extend, or be taken, or construed to extend, to give or allow to the lord

This Act gives no new power.

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(1) *See* 6 Anne, c. 41. s. 8., p. 4, *post*; 7 & 8 Geo. 4. c. 65., p. 68, *post*; 2 Will. 4. c. 40., p. 73, *post*.

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high admiral, or to the commissioners for executing the office of lord high admiral, any other authority, jurisdiction, or power, than the lord high admiral lawfully had, or might have had, used and exercised, if this Act had not been made.

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6 Anne.—A.D. 1707.

CAP. XLI.(1)

An Act for the Security of Her Majesty's Person and Government, and of the Succession to the Crown of Great Britain in the Protestant Line.

Privy council not determined by death of sovereign nor the offices herein mentioned.

8. And be it further enacted by the authority aforesaid, that the privy council of her Majesty, her heirs or successors, for the Kingdom of Great Britain, shall not be determined or dissolved by the death or demise of her Majesty, her heirs or successors, but such privy council shall continue and act as such by the space of six months next after such demise, unless sooner determined by the next successor to whom the imperial crown of this realm is limited and appointed to go, remain, and descend; nor shall the office or place of lord chancellor or lord keeper of the great seal of Great Britain, or of lord high treasurer of Great Britain, lord president of the council for Great Britain, lord privy seal of Great Britain, lord high admiral of Great Britain, or of any of the great officers of the Queen or King's household for the time being, nor shall any office, place, or employment, civil or military, within the kingdoms of Great Britain or Ireland, dominion of Wales, town of Berwick-upon-Tweed, isles of Jersey, Guernsey, Alderney, and Sark, or any of her Majesty's plantations, become void by reason of the demise or death of her present Majesty, her heirs or successors, Queens or Kings of this realm, but the said lord chancellor or lord keeper of the great seal of Great Britain, the lord high treasurer of Great Britain, the lord president of the council, the lord privy seal, the lord high admiral of Great Britain,(2) the great officers of the household, and every other person and persons in any of the offices, places, and employments aforesaid, shall continue in their respective offices, places, and employments for the space of six months next after such death or demise, unless sooner removed and discharged by the next in succession as aforesaid.

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(1) 6 Anne, c. 7., in common editions.
(2) *See* 2 Will. & Mary, sess. 2. c. 2., p. 3, *ante*.

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13 George II.—A.D. 1740.

CAP. XVII.

An Act for the Increase of Mariners and Seamen to navigate Merchant Ships, and other Trading Ships or Vessels.

Preamble.

WHEREAS it is necessary to give all fitting encouragement to persons to apply themselves to the sea service and the practice of navigation, and also to foreign mariners and seamen to engage in the British service; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that every person herein-after mentioned shall be freed and exempted from being impressed into the service of his Majesty, his heirs or successors; (that is to say,) every person being of the age of fifty-five years, or upwards, and every person not having attained the full age of eighteen years, and every foreigner, being a mariner, seaman, or landsman, who shall serve in any merchant ship, or other trading ship or vessel, or privateer, belonging to the subjects of the Crown of Great Britain.

Persons exempted from being impressed.

2. And for the encouragement of able-bodied landsmen to betake themselves to the sea service, be it further enacted by the authority aforesaid that every person of what age soever he be, who shall use the sea, shall be freed and exempted from being impressed for the full space of two years, to be computed from the time of his first going to sea; and that every person, who not having before used the sea shall bind himself apprentice to serve at sea, shall be freed and exempted from being impressed for the full space of three years, to be computed from the time of his binding himself apprentice, as aforesaid.

Lord high admiral, &c. to grant protections for that purpose,

3. And for the better securing to all the persons before mentioned the benefit intended them by this Act, be it further enacted by the authority aforesaid, that the lord high admiral of Great Britain, or commissioners for executing the office of lord high admiral for the time being, or any three or more of them, shall, upon due proof made before him or them of the respective ages and circumstances (as the case shall happen) of any of the persons before mentioned, grant a protection to every such person to secure him from being impressed, for such time as by the true intent and meaning of this Act such person is to be freed and exempted from being impressed; all which protections shall be granted without any fee or reward to be taken for the same.

without fee or reward.

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15 George II.—A.D. 1742.

CAP. XXII.

An Act to exclude certain Officers from being Members of the House of Commons.

Preamble.

FOR further limiting or reducing the number of officers capable of sitting in the House of Commons, be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the dissolution, or other determination of this present Parliament, no person who shall be commissioner of the revenue in Ireland, or commissioner of the navy or victualling offices, nor any deputies or clerks in any of the said offices, or in any of the several offices following; that is to say, the office of lord high treasurer, or the commissioners of the Treasury, or of the auditor of the receipt of his Majesty's Exchequer, or of the tellers of the Exchequer, or of the chancellor of the Exchequer, or of the lord high admiral, or the commissioners of the Admiralty, or of the paymasters of the army, or of the navy, or of his Majesty's principal secretaries of state, or of the commissioners of the salt, or of the commissioners of the stamps, or of the commissioners of appeals, or of the commissioners of wine licences, or of the commissioners of hackney coaches, or of the commissioners of hawkers and pedlars, nor any persons having any office, civil or military, within the Island of Minorca, or in Gibraltar, other than officers having commissions in any regiment there only, shall be capable of being elected, or of sitting or voting as a member of the House of Commons, in any Parliament, which shall be hereafter summoned and holden.

Description of officers not admitted to sit in Parliament.

What returns of members are declared void.

2. And be it further enacted by the authority aforesaid, that if any person hereby disabled or declared to be incapable to sit or vote in any Parliament hereafter to be holden, shall nevertheless be returned as a member to serve for any county, stewartry, city, borough, town, cinque port, or place in Parliament, such election and return are hereby enacted and declared to be void to all intents and purposes whatsoever: And if any person disabled, and declared incapable by this Act to be elected, shall, after the dissolution, or other determination of this present Parliament, presume to sit or vote as a member of the House of Commons in any Parliament to be hereafter summoned, such person so sitting or voting, shall forfeit the sum of twenty pounds for every day in which he shall sit or vote in the said House of Commons, to such person or persons who shall sue for the same in any of his Majesty's courts at Westminster; and the money so forfeited shall be recovered by the persons so suing, with full costs of suit, in any of the said courts, by action of debt, bill, plaint, or information, in which no essoign, privilege, protection, or wager

Penalty on persons sitting or voting after disabled by this Act.

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of law shall be allowed, and only one imparlance, and shall from thenceforth be incapable of taking, holding, or enjoying any office of honour or profit under his Majesty, his heirs or successors.

3. Provided always, and it is hereby enacted and declared by the authority aforesaid, that nothing in this Act shall extend, or be construed to extend or relate to, or exclude the treasurer (1) or comptroller of the navy, the secretaries of the Treasury, the secretary to the chancellor of the Exchequer, or secretaries of the Admiralty, the under secretary to any of his Majesty's principal secretaries of state, or the deputy paymaster of the army, or to exclude any person having or holding any office or employment for life, or for so long as he shall behave himself well in his office; anything herein contained to the contrary notwithstanding. Proviso.

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12 George III.—A.D. 1772.

CAP. XXIV.

An Act for the better securing and preserving his Majesty's Dockyards, Magazines, Ships, Ammunition, and Stores.(2)

WHEREAS the safety and preservation of his Majesty's ships of war, arsenals, magazines, dockyards, rope yards, victualling offices, military, naval, and victualling stores, and the places where such stores are kept or deposited, either within this realm or in any of the islands, countries, forts, or places thereunto belonging, is of great importance to the welfare and security of the kingdom: May it please your most excellent Majesty that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that if any person or persons shall, either within this realm, or in any of the islands, countries, forts, or places thereunto belonging, wilfully and maliciously set on fire, or burn, or otherwise destroy, or cause to be set on fire, or burnt, or otherwise destroyed, or aid, procure, abet, or assist in the setting on fire, or burning, or otherwise destroying of any of his Majesty's ships or vessels of war, whether the said ships or vessels of war be on float or building, or begun to be built, in any of his Majesty's dockyards, or building or repairing by contract in any private yards, Preamble.

Persons who shall wilfully set on fire, burn, or destroy ships of war, or aid or assist in so doing,

in any of his Majesty's dockyards, arsenals, magazines, &c.,

(1) The office of treasurer of the navy is abolished. 5 & 6 Will. 4. c. 35.

(2) *See*, as to royal dockyards, 54 Geo. 3. c. 159., p. 17, *post*, and the Dockyards Ports Regulation Act, 1865, 28 & 29 Vict. c. 125., *post*.

See also, as to setting fire to ships, 24 & 25 Vict. c. 97. ss. 42. to 49., *post*.

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for the use of his Majesty, or any of his Majesty's arsenals, magazines, dockyards, rope yards, victualling offices, or any of the buildings erected therein, or belonging thereto; or any timber or materials there placed, for building, repairing, or fitting out of ships or vessels; or any of his Majesty's military, naval, or victualling stores, or other ammunition of war, or any place or places where any such military, naval, or victualling stores, or other ammunition of war is, are, or shall be kept, placed, or deposited; that then the person or persons guilty of any such offence, being thereof convicted in due form of law, shall be adjudged guilty of felony, and shall suffer death,(1) as in cases of felony, without benefit of clergy.

or any buildings, timber, or materials, there placed;

or any military, naval, or victualling stores, &c.,

being thereof convicted in due form of law, shall suffer death, as in cases of felony, without benefit of clergy.

2. And be it further enacted by the authority aforesaid, that any person who shall commit any of the offences before mentioned, in any place out of this realm, may be indicted and tried for the same, either in any shire or county within this realm, in like manner and form, as if such offence had been committed within the said shire or county, or in such island, country, or place, where such offence shall have been actually committed, as his Majesty, his heirs or successors, may deem most expedient for bringing such offender to justice; any law, usage, or custom notwithstanding.

Persons offending out of this realm, may be tried in any shire, &c. within the realm.

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37 George III.—A.D. 1797.

CAP. LXX.

An Act for the better Prevention and Punishment of Attempts to seduce Persons serving in His Majesty's Forces, by Sea or Land, from their Duty and Allegiance to His Majesty, or to incite them to Mutiny or Disobedience. [6th June 1797.]

Preamble.

WHEREAS divers wicked and evil disposed persons, by the publication of written or printed papers, and by malicious and advised speaking, have of late industriously endeavoured to seduce persons serving in his Majesty's forces by sea and land from their duty and allegiance to his Majesty, and to incite them to mutiny and disobedience; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that, from and after the passing of this Act, any person who shall maliciously and advisedly endeavour to seduce any person or persons serving in his Majesty's forces, by sea or land, from his or their duty and allegiance to his Majesty, or to incite or stir up

Any person who shall attempt to seduce any sailor or soldier from his duty,

(1) The penalty of death is not abolished; but *see* 4 Geo. 4. c. 48. which provides for the recording sentence of death. *See* Stephen's Digest of Criminal Law, Art. 376.

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any such person or persons to commit any act of mutiny, or to make, or endeavour to make, any mutinous assembly, or to commit any traitorous or mutinous practice whatsoever, shall, on being legally convicted of such offence, be adjudged guilty of felony, and shall suffer death(1) as in cases of felony without benefit of clergy.

or incite him to mutiny, &c., to suffer death.

2. Provided always, and be it enacted by the authority aforesaid, that any offence committed against this Act, whether committed on the high seas or within that part of Great Britain called England, shall and may be prosecuted and tried before any court of oyer and terminer or gaol delivery for any county in that part of Great Britain called England, in such manner and form as if the said offence had been therein committed.

Where offences may be prosecuted.

3. Provided always, and it is hereby declared and enacted, that any person who shall be tried and acquitted, or convicted of any offence against this Act, shall not be liable to be indicted, prosecuted, or tried again for the same offence or fact, as high treason, or misprision of high treason; and that nothing in this Act contained shall be construed to extend to prevent any persons guilty of any offence against this Act, and who shall not be tried for the same as an offence against this Act, from being tried for the same as high treason, or misprision of high treason, in such manner as if this Act had not been made.

Persons tried for offences against this Act, not to be tried again for the same, as high treason, or misprision of high treason, &c.

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48 George III.—A.D. 1808.

CAP. CX.

An Act for the further Encouragement and better Regulation of the British White Herring Fishery, until the First Day of June One thousand eight hundred and thirteen, and from thence to the End of the then next Session of Parliament.(2) [25th June 1808.]

9. And be it further enacted, that the officer who shall be appointed superintendant as aforesaid, shall take and subscribe the oath following, which oath any one of the commissioners for

Superintendant to be sworn.

(1) A person convicted under this Act is not now liable to death; he is liable upon conviction to penal servitude for life as a maximum punishment, the maximum alternative term of imprisonment being three years. *See* Stephen's Digest of Criminal Law, Art. 63, and compare 7 Will. 4. & 1 Vict. c. 91.

(2) No part of this Act is in force except as to Scotland. The portions here printed are repealed, 31 & 32 Vict. c. 45. s. 71., except so far as they relate to Scotland and are not inconsistent with that Act. They are inserted as bearing on 55 Geo. 3. c. 94., p. 28, *post*, which empowers the Admiralty to appoint a commissioned officer of the navy as a superintendent of loch and coast fishery.

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the fishery, or any justice of the peace shall be authorized to administer:

Oath.

'I A.B. do solemnly swear, that I am not, directly or indirectly, 'concerned as an adventurer in the white herring fishery or 'in any other fishery, or as a curer of fish; and that I will not 'be concerned therein, either directly or indirectly, during the 'time I shall act as superintendant of the white herring fishery.

'So help me GOD.'

Powers and duties of the superintendant of the fishery.

18. And be it further enacted, that it shall be lawful for the superintendant of the fishery, or any person or persons acting by his orders, at all times whenever he shall think fit, either at sea during the continuance of the fishery, or after the return from the fishery, to go on board any of the vessels employed in the fishery under his superintendance, to inspect the licence and certificate of registry of such vessel, and the journal(1) kept by the master pursuant to the directions of this Act (all which the master of every such buss or vessel, on being thereunto required, shall forthwith produce and deliver to the said superintendant for his inspection and examination, and the said superintendant is hereby empowered to detain any such buss or vessel till all or any of the said documents demanded by him shall be so produced or delivered to him), and to ascertain whether the number of men hereby required to be on board the said buss or vessel be actually employed therein during the fishing, and until they be discharged according to the directions of this Act, and to inspect the manner in which the herrings are taken, cured, and packed, and whether the master and other persons on board the same are in all respects carrying on and prosecuting the said fishery in the manner hereby required; and if any person or persons shall impede or obstruct, or attempt to impede or obstruct any other person or persons in the lawful prosecution of the said fishery, the said superintendant shall require such person or persons so impeding or obstructing, or attempting to impede or obstruct any other person or persons to desist from so doing; and if such person or persons so required to desist shall disregard such requisition, it shall be lawful for the said superintendant to employ such force as shall be necessary to compel him or them to preserve order; and if it shall appear to the said superintendant that the number of men hereby required to be on board each buss or vessel were not on board thereof at any time when they ought to have been, according to the regulations of this Act, or that the master or any part of the crew are or were not in all respects carrying on and prosecuting the fishery in the manner hereby required, or had impeded or obstructed, or attempted to impede or obstruct, any other person or persons in the lawful prosecution of the said fishery, the said superintendant shall report the same fully and

(1) Section 21., which requires the master of every buss to keep a journal, is repealed, 31 & 32 Vict. c. 45. s. 71.

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particularly to the commissioners for the herring fishery to be appointed by virtue of this Act, and shall deliver one copy of such report under his hand to the master of such buss or vessel, and shall transmit another copy to the said commissioners by the first opportunity; and if any person or persons shall resist or obstruct such superintendant, or any person or persons acting under him in the execution of any of the powers to him or them given by this Act, every person so offending shall forfeit and pay the sum of one hundred pounds.

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49 George III.—A.D. 1809.

CAP. CXXVI.

An Act for the further Prevention of the Sale and Brokerage of Offices.(1) [20th June 1809.]

WHEREAS an Act passed in the fifth and sixth year of the reign of King Edward the Sixth, intituled "Against buying "and selling of offices": And whereas it was in and by the said Act enacted amongst other things, that if any person or persons at any time thereafter bargained or sold any office or offices, or deputation of any office or offices, or any part or parcel of any of them, or received, had, or took any money, fee, reward, or any other profit, directly or indirectly, or took any promise, agreement, covenant, bond, or any assurance, to receive or have any money, fee, reward, or other profit, directly or indirectly, for any office or offices, or for the deputation of any office or offices, or any part of any of them, or to the intent that any person should have, exercise, or enjoy any office or offices, or the deputation of any office or offices, or any part of any of them, which office or offices, or any part or parcel of them, should in anywise touch or concern the administration or execution of justice, or the receipt, controlment, or payment of any of the King's Highness treasure, money, rent, revenue, account, aulnage, auditorship, or surveying of any of the King's Majesty's honors, castles, manors, lands, tenements, woods, or hereditaments, or any of the King's Majesty's customs, or any other administration or necessary attendance to be had, done, or executed in any of the King's Majesty's custom house or houses, or the keeping of any of the King's Majesty's towns, castles, or fortresses, being used, occupied, or appointed for places of strength and defence, or which should concern or touch any clerkship to be occupied in any manner of court of record, wherein justice was to be ministered, that then all and every such person and persons that should so bargain or sell any of the said office or offices, deputation or deputations, or that should take any money, fee, reward,

5 & 6 Ed. 6. c. 16.

(1) *See* 5 & 6 Ed. 6. c. 16., p. 1, *ante*.

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or profit for any of the said office or offices, deputation or deputations of any of the said offices, or any part of any of them, or that should take any promise, covenant, bond, or assurance for any money, reward, or profit to be given for any of the said office or offices, deputation or deputations of any of the said office or offices, or any part of any of them, should not only lose and forfeit all his and their right, interest, and estate which such person or persons should then have of, in, or to, any of the said office or offices, deputation or deputations, or any part of any of them, or of, in, or to, the gift or nomination of any of the said office or offices, deputation or deputations for the which office or offices, or for the deputation or deputations of which offices, or for any part of any of them, any such person or persons should so make any bargain or sale, or take or receive any sum of money, fee, reward, or profit, or any promise, covenant, or assurance, to have or receive any fee, reward, money, or profit, but also that all and every such person or persons that should give or pay any sum of money, reward, or fee, or should make any promise, agreement, bond, or assurance for any of the said offices, or for the deputation or deputations of any of the said office or offices, or any part of any of them, should immediately by and upon the same fee, money, or reward, given or paid, or upon any such promise, covenant, bond, or agreement had or made for any fee, sum of money, or reward, to be paid as is aforesaid, be adjudged a disabled person in the law to all intents and purposes, to have, occupy, or enjoy the said office or offices, deputation or deputations, or any part of any of them, for the which such person or persons should so give or pay any sum of money, fee, or reward, or make any promise, covenant, bond, or other assurance, to give or pay any sum of money, fee, or reward; and that all and every such bargains, sales, promises, bonds, agreements, covenants, and assurances as before specified, should be void to and against him and them by whom any such bargain, sale, bond, promise, covenant, or assurance should be had or made: And whereas it was in the said Act provided, that the said Act or any thing therein contained, should not in anywise extend to any office or offices, whereof any person or persons was or should be seised of any estate of inheritance, nor to any office of parkership, or of the keeping of any park, house, manor, garden, chase, or forest, or to any of them: And whereas it was by the said Act further provided, that if any person or persons did thereafter offend in anything contrary to the tenor and effect of the said Act, yet that notwithstanding all judgments given, and all other act and acts executed or done by any such person or persons so offending, by authority or colour of the office or deputation which ought to be forfeited or not occupied or not enjoyed by the person so offending, after the said offence so by such person committed or done, and before such person so offending for the same offence should be removed from the exercise, administration, and occupation of the said office or deputation, should be and remain good and sufficient in law, to all

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intents, constructions, and purposes, in such like manner and form as the same would or ought to have remained and been if this Act had never been had or made: And whereas it was by the said Act further provided, that the said Act, or any thing therein contained, should not in anywise extend, or be prejudicial or hurtful to any of the chief justices of the King's courts commonly called the King's bench or common place, or to any of the justices of assize, that then were or thereafter should be, but that they and every of them might do in every behalf touching or concerning any office or offices to be given or granted by them or any of them, as they or any of them might have done before the making of the said Act: Be it therefore declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, the said Act and all the provisions therein contained shall extend and be construed to extend to Scotland and Ireland, and to all offices in the gift of the Crown or of any office appointed by the Crown, and all commissions, civil, naval, or military, and to all places and employments, and to all deputations to any such offices, commissions, places, or employments in the respective departments or offices, or under the appointment or superintendance and controul of the lord high treasurer or commissioners of the Treasury, the secretary of state, the lords commissioners for executing the office of lord high admiral, * * * * * * * * * the commander in chief, * * * * * * * * * and also the principal officers of any other public department or office of his Majesty's government in any part of the United Kingdom, or in any of his Majesty's dominions, colonies, or plantations which now belong or may hereafter belong to his Majesty, and also to all offices, commissions, places, and employments belonging to or under the appointment or controul of the United Company of Merchants of England trading to the East Indies, in as full and ample a manner as if the provisions of the said Act were repeated as to all such offices, commissions, places, and employments, and made part of this Act; and the said Act and this Act, and all the clauses and provisions therein respectively contained, shall be construed as one Act, as if the same had been herein repeated and re-enacted.

Provisions of recited Act extended to other offices.

2. Provided always, and be it further enacted, that where the right, estate, or interest of any person or persons shall be forfeited under any of the provisions of the said Act or this Act, the right of such appointment shall immediately vest in and belong to his Majesty, his heirs and successors.

When right forfeited, appointment to go to his Majesty.

3. And be it further declared and enacted, that from and after the passing of this Act, if any person or persons shall sell or bargain for the sale of, or receive, have, or take any money, fee, gratuity, loan of money, reward, or profit, directly or indirectly, or any promise, agreement, covenant, contract, bond,

Persons buying or selling offices, or receiving or paying money or rewards for

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offices, guilty of a misdemeanor.

or assurance, or shall by any way, device, or means, contract or agree to receive or have any money, fee, gratuity, loan of money, reward, or profit, directly or indirectly, and also if any person or persons shall purchase or bargain for the purchase of, or give or pay any money, fee, gratuity, loan of money, reward, or profit, or make or enter into any promise, agreement, covenant, contract, bond, or assurance, to give or pay any money, fee, gratuity, loan of money, reward, or profit, or shall by any way, means, or device, contract or agree to give or pay any money, fee, gratuity, loan of money, reward, or profit, directly or indirectly, for any office, commission, place, or employment specified or described in the said recited Act or this Act, or within the true intent or meaning of the said Act or this Act, or for any deputation thereto, or for any part, parcel, or participation of the profits thereof, or for any appointment or nomination thereto or resignation thereof, or for the consent or consents or voice or voices of any person or persons to any such appointment, nomination, or resignation, then and in every such case, every such person, and also every person who shall wilfully and knowingly aid, abet, or assist such person therein, shall be deemed and adjudged guilty of a misdemeanor.

Persons receiving or paying money for soliciting offices, or for any negociations or pretended negociations relating thereto, guilty of a misdemeanor.

4. And be it further enacted, that from and after the passing of this Act, if any person or persons shall receive, have, or take any money, fee, reward, or profit, directly or indirectly, or take any promise, agreement, covenant, contract, bond, or assurance, or by any way, means, or device, contract or agree to receive or have any money, fee, gratuity, loan of money, reward, or profit, directly or indirectly, for any interest, solicitation, petition, request, recommendation, or negociation whatever, made or to be made, or pretended to be made, or under any pretence of making or causing or procuring to be made any interest, solicitation, petition, request, recommendation, or negociation, in or about or in anywise touching, concerning, or relating to any nomination, appointment, or deputation to or resignation of any such office, commission, place, or employment as aforesaid, or under any pretence for using or having used any interest, solicitation, petition, request, recommendation, or negociation, in or about any such nomination, appointment, deputation, or resignation, or for the obtaining or having obtained the consent or consents, or voice or voices of any person or persons as aforesaid to such nomination, appointment, deputation, or resignation; and also if any person or persons shall give or pay or cause or procure to be given or paid any money, fee, gratuity, loan of money, reward, or profit, or make or cause or procure to be made any promise, agreement, covenant, contract, bond, or assurance, or by any way, means, or device, contract or agree, or give or pay, or cause or procure to be given or paid any money, fee, gratuity, loan of money, reward, or profit for any solicitation, petition, request, recommendation, or negociation whatever, made or to be made, that shall in anywise touch, concern, or relate to any nomination, appointment or deputation to or resignation of any such office, commission, place, or employment as aforesaid, or for the obtaining or having obtained,

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directly or indirectly, the consent or consents, or voice or voices of any person or persons as aforesaid to any such nomination, appointment, deputation, or resignation; and also, if any person or persons shall, for or in expectation of gain, fee, gratuity, loan of money, reward, or profit, solicit, recommend, or negociate in any manner for any person or persons in any matter that shall in anywise touch, concern, or relate to any such nomination, appointment, deputation or resignation aforesaid, or for the obtaining, directly or indirectly, the consent or consents, or voice or voices of any person or persons to any such nomination, appointment, or deputation or resignation aforesaid, then and in every such case every such person, and also every person who shall wilfully and knowingly aid, abet, or assist such person therein, shall be deemed and adjudged guilty of a misdemeanor.

Persons opening or advertising houses for transacting business relating to the sale of offices, shall be guilty of a misdemeanor.

5. And whereas on the pretence of negociating or soliciting the sale, transfer, or appointment of any office or offices which under the exception of this Act or otherwise, it may be lawful to sell, offices for negociating the same, and advertisements may be published, by means and under the colour of which illegal transactions intended to be prohibited by this Act may be carried on; be it therefore further enacted, that from and after the passing of this Act, if any person or persons shall open or keep any house, room, office, or place for the soliciting, transacting, or negociating in any manner whatever, any business relating to vacancies in, or the sale or purchase of, or appointment, nomination, or deputation to, or resignation, transfer, or exchange of any offices, commissions, places, or employments whatever in or under any publick department, then and in every such case every such person, and also every person who shall wilfully and knowingly aid, abet, or assist therein, shall be deemed and adjudged guilty of a misdemeanor.

Penalty on persons advertising such houses or the names of brokers or agents.

6. And be it further enacted, that if any person or persons shall advertise or publish, or cause or procure to be advertised or in any manner published any house, room, office, or place to have been or to be opened, set up, or kept for any of the purposes aforesaid, or advertise or publish, or cause or procure to be advertised or published, the name or names of any person or persons as broker or brokers, agent or agents, solicitor or solicitors for any of the purposes aforesaid, or print or cause, or procure or permit, or suffer to be printed or advertised any advertisement or advertisements, proposal or proposals for any of the purposes aforesaid, then and in such case such person or persons shall forfeit for every such offence the sum of fifty pounds, to be sued for, levied, or recovered in any of his Majesty's courts of record at Westminster, as to all offences committed in England, or at Dublin as to offences committed in Ireland, or in his Majesty's courts in Scotland as to offences committed in Scotland respectively; and the whole of every such penalty shall go to the person who shall sue for the same, with full costs of suit.

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Act not to extend to offices excepted in former Act, &c.

9. Provided always, and be it further enacted, that nothing in this Act contained shall extend or be construed to extend to any office excepted from the provisions of the said Act passed in the sixth year of the reign of King Edward the Sixth, against buying and selling of offices, or to any office which was legally saleable before the passing of this Act, and in the gift of any person by virtue of any office of which such person is or shall be possessed under any patent or appointment for his life * * * *

Act not to extend to deputations where it is lawful to appoint deputies or to agreements as to the payment of principal or deputy out of the fees.

10. Provided also, and be it further enacted, that nothing in this Act contained shall extend or be construed to extend to prevent or make void any deputation to any office, in any case in which it is lawful to appoint a deputy, or any agreement, contract, bond, or assurance lawfully made in respect of any allowance, salary, or payment made or agreed to be made by or to such principal or deputy, respectively, out of the fees or profits of such office.

Act not to extend to annual payments out of the fees of any office to any former holder; amount and reason for such payment to be stated.

11. Provided also, and be it further enacted, that nothing in the said Act or in this Act contained shall extend to any annual reservation, charge, or payment made or required to be made out of the fees, perquisites, or profits of any office to any person who shall have held such office, in any commission or appointment of any person succeeding to such office, or to any agreement, contract, bond, or other assurance made for securing such reservation, charge, or payment: Provided always, that the amount of such reservation, charge, or payment, and the circumstances and reasons under which the same shall have been permitted, shall be stated in the commission, patent, warrant, or instrument of appointment of the persons so succeeding to and holding such office, and paying or securing such money as aforesaid.

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Manner of punishing offenders in Scotland.

13. Provided always, and be it enacted, that every person who shall commit, in Scotland, any offence against this Act, which by the provisions of the same is constituted a misdemeanor, shall be liable to be punished by fine and imprisonment, or by the one or the other of such punishments as the judge or judges before whom such offender shall be tried and convicted may direct.

Offences committed abroad shall be tried in King's Bench

14. And be it further enacted, that all offences committed against the provisions of the said recited Act and this Act, by any governor, lieutenant governors, or person having the chief command, civil or military, in any of his Majesty's dominions, colonies, or plantations, or his or their secretary or secretaries, may and shall be prosecuted and enquired of, and heard and determined in his Majesty's Court of King's Bench at Westminster, in like manner as any crime, offence, or misdemeanor committed by any person holding a public employment abroad, may be prosecuted and enquired of under the provisions of an Act passed in the forty-second year of the reign of his present

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Majesty, intituled "An Act for the trying and punishing in "Great Britain persons holding public employments, for offences "committed abroad; and for extending the provisions of an Act "passed in the twenty-first year of the reign of King James, "made for the ease of justices and others in pleading in suits "brought against them, to all persons either in or out of this "kingdom, authorized to commit to safe custody." under 42 Geo. 3. c. 74.

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54 George III.—A.D. 1814.

CAP. CLIX.

An Act for the better Regulation of the several Ports, Harbours, Roadsteads, Sounds, Channels, Bays, and Navigable Rivers, in the United Kingdom; and of His Majesty's Docks, Dockyards, Arsenals, Wharfs, Moorings, and Stores therein; and for repealing several Acts passed for that Purpose.

[29th July 1814.]

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Punishing persons letting ballast or rubbish go into the sea.

II. And be it further enacted, that if the owner, master, or other person having the charge or command of any private ship of war, transport, or other private or merchant ship or vessel, lighter, barge, boat, or other craft whatsoever, or any person working any quarry, mine, or pit, near to the sea, or to any such harbour, haven, or navigable river as aforesaid, or any other person or persons whatsoever, shall cast, throw, empty, or unlade, or cause or procure to be cast, thrown, emptied or unladen, either from or out of any such ship or vessel, lighter, barge, boat, or other craft, or from the shore any ballast, stone, slate, gravel, earth, rubbish, wreck, or filth, into any of such ports, roads, roadsteads, harbours, havens, or navigable rivers of this kingdom as aforesaid, so as to tend to the injury or obstruction of the navigation thereof, or in any place or situation on shore where the same shall be liable to be washed into the sea, or into any such ports, roads, roadsteads, harbours, havens, or navigable rivers, either by ordinary or high tides, or by storms or land floods; all and every such person and persons so offending shall for every such offence forfeit and pay a sum not exceeding the sum of ten pounds, over and besides all expenses which may be incurred in removing to a proper place the said matters which may have been deposited contrary to the provisions of this Act, such expenses to be recoverable in such manner and with such power of commitment on nonpayment thereof as in cases of penalties or forfeitures under this Act: Provided that nothing herein contained shall extend or be construed to extend to the casting out, unlading, or throwing out of

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any ship or vessel, lighter, barge, boat, or other craft, any stones, rocks, bricks, lime, or other materials used or to be used in or towards the building, repairing, or keeping in repair any quay, pier, wharf, wear, bridge, or other building, or the banks or sides of any port, harbour, haven, channel, or navigable river, or any materials for repairing any highway; anything herein contained to the contrary thereof in anywise notwithstanding.

Manner in which ships may unlade their ballast.

12. And for the more effectually preventing such injuries be it further enacted, that no ship or vessel, lighter, barge, boat, or craft whatsoever, shall unlade on any part of the shore (except on some wharf properly constructed for the purpose) any ballast, stone, slate, gravel, earth, rubbish, wreck, or filth, except at the time of high water, or within two hours before or two hours after high water; and that for every such purpose, every such ship or vessel, lighter, barge, boat, or craft shall approach the shore, as far as the tide and the draught of water of such ship, vessel, lighter, barge, boat, or craft will admit, and shall, under no circumstances and in no situation, deposit any of the said matters below low water mark at neap tides; and that every vessel drawing above eleven feet of water at the stern, shall unlade all such materials into some lighter, barge, or boat, as herein-before directed, in order that the same may be conveyed as near the shore as possible at the time of high water, as herein-before directed.

Ballast to be cast on shore from the side of the ship nearest to the land.

Penalty.

13. And be it further enacted, that all such ballast and other matter shall, in all the above-mentioned cases, be cast on shore from the side of the ship, lighter, barge, boat, or other craft which shall be nearest to the land and not otherwise; and every person who shall offend in any of the above particulars shall, for every such offence, forfeit and pay a sum not exceeding the sum of ten pounds, over and above all expenses which may be incurred in removing to a proper place the said matters which may have been deposited contrary to the provisions of this Act, such expenses to be recoverable in such manner and with such powers of commitment for nonpayment thereof, as in cases of penalties or forfeitures under this Act.

Penalty on taking ballast from the shore in harbours.

14. And, in order to prevent damage being done to the shores or banks of the ports, harbours, or havens in this kingdom, be it further enacted, that no person or persons shall take any ballast or shingle from the shores or banks, or any portion of the shores or banks of any port, harbour, or haven of this kingdom, from which the commissioners for executing the office of lord high admiral of the United Kingdom for the time being shall find it necessary for the protection of such port, harbour, or haven, or the works thereof, by order under their hands, or the hands of any three of them, or the hands of his or their secretary, and published in the *London Gazette*, shall prohibit the taking or removing of such shingle or ballast, upon pain of forfeiting for every such offence the sum of ten pounds.

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15. And be it further enacted, that in the taking of ballast into any ship or vessel, lighter, barge, boat, or other craft, and also in the discharging of the same from any ship or vessel into any lighter, boat, barge, or other craft, every such ship or vessel, lighter, barge, boat, or other craft, shall be provided with, and shall make use of one or more tarpaulin or tarpaulins properly stretched and spread, in order to prevent such ballast or any part thereof from falling into the sea, or into any harbour, haven, or navigable river; and in case any person or persons shall either take any ballast into any ship or vessel, lighter, barge, boat, or other craft, or shall discharge the same from any ship or vessel into any lighter, barge, boat, or other craft, without using such sufficient tarpaulin or tarpaulins, properly stretched and spread, in order to prevent such ballast or any part thereof from falling into the sea, or into any such harbour, haven, or navigable river; all and every person and persons offending therein shall for every such offence forfeit and pay the sum of five pounds. Tarpaulins to be used in taking in and discharging ballast.

16. And be it further enacted, that it may be lawful for the lord high admiral, or lords commissioners for executing the office of lord high admiral, to grant licences under their hands and seal of office, or under the hand and seal of office of his or their secretary, for dispensing with the foregoing provisions relative to ballast, in cases that may seem to require such dispensation. For licensing the dispensing of provisions relative to ballast.

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21. And be it further enacted, that all the penalties and forfeitures imposed by this Act shall be sued for within twelve calendar months next after the offence or offences shall be committed, before any commissioner of the navy or justice of the peace residing at or near to the place where any such offence or offences shall be committed; all which said penalties and forfeitures shall go and be applied as follows; (that is to say,) one moiety thereof to the use of his Majesty, his heirs and successors, and the other moiety thereof, with full costs, to be adjudged by such commissioner of the navy or justice of the peace, to the informer; and every such commissioner of the navy and justice of the peace, is hereby authorized and required, upon information exhibited or complaint made, to grant and issue his warrant in writing under his hand, to bring before them respectively such offender or offenders at the time and place in such warrant specified; and if on the conviction of the offender or offenders respectively, on his, her, or their confession, or on oath, (which oath every such commissioner of the navy and justice of the peace is hereby authorized and empowered to administer,) such penalty or forfeiture, together with such costs as aforesaid, shall not be forthwith paid, it shall be lawful for such commissioner of the navy or justice of the peace to commit any such offender or offenders to the common gaol or house of correction for the county, city, or borough, at or near to the place where the offence or offences shall be committed, there to remain without bail or Recovery of penalties.

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mainprize for any time not exceeding three months, unless such penalty or forfeiture and costs shall be sooner paid.

Extent of jurisdiction of commissioners of the navy and justices of the peace.

22. And whereas divers ports, harbours, havens, roads, roadsteads, sounds, channels, creeks, bays, and navigable rivers, in this kingdom, do lie partly in one county and partly in another, and partly or in the whole out of the body of any county of this realm; by reason whereof doubts may arise as to the jurisdiction of any commissioner of the navy or justice of the peace, touching any offence or offences which may be committed contrary to this Act; be it therefore enacted, that it shall be lawful for any commissioner of the navy, residing at or near to any port, harbour, or haven, or any part thereof, or for any justice of the peace for any county, city, or borough, acting in and for any district or place next adjoining to any such port, harbour, haven, road, roadstead, sound, channel, creek, bay, or navigable river, or any member of any of them, where any such offence or offences may be committed, to proceed in the execution of this Act, and of all the powers and authorities thereof, herein and hereby given to commissioners of the navy and justices of the peace, in such and the same manner, and as fully and effectually to all intents and purposes, as if such offence or offences had been committed locally within the limits of the jurisdiction of such commissioner of the navy or justice of the peace, although the same may have been committed out of the limits of the jurisdiction of such commissioner or justice, or out of the body of any county of this realm.

Offenders.

23. And, for the more easy and speedy conviction of offenders against this Act, and also for the prevention of frivolous and vexatious appeals, be it further enacted, that every commissioner of the navy and justice of the peace before whom any person or persons shall be convicted of any offence or offences against this Act, shall and may cause the conviction to be drawn up according to the following form, or in any form of words to the like effect, mutatis mutandis; which conviction shall be good and effectual to all intents and purposes, without stating the case, or the facts or evidence, in any more particular manner; (that is to say,)

Form of conviction.

'BE it remembered, that on the day of in the year of our Lord A.B. is convicted before 'me one of the commissioners of the navy, or 'one of his Majesty's justices of the peace for the 'of [as the case may be] for that the said A.B. on 'the day of at did [here state 'the offence against this Act] contrary to the statute in such case 'made and provided. Given under my hand and seal the day and 'year first above written.'

Which conviction the said commissioner or justice shall cause to be fairly written upon parchment or paper, and returned to the next general quarter sessions of the peace for the county, division, city, town corporate, liberty, or place where such conviction was made, to be filed by the clerk of the peace, and there to remain and be

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kept among the records of the same county, division, or place; and the same shall not be removed by certiorari, advocation, or suspension, or any other process whatsoever, into any court whatsoever.

Punishing witnesses not attending.

24. And be it further enacted, that if any person or persons shall be summoned as a witness or witnesses to give evidence before any such commissioner or justice or justices of the peace, touching any of the matters relative to this Act, either on the part of the informer or prosecutor, or of the party or parties accused, and shall neglect or refuse to appear at the time and place to be for that purpose appointed without a reasonable excuse for such his, her, or their neglect or refusal, to be allowed by such commissioner, or justice or justices of the peace before whom the complaint or prosecution shall be depending, that then every such person shall forfeit for every such offence the sum of ten pounds, to be recovered, levied, and paid and applied in such manner and by such means as is above directed with respect to fines on summary convictions.

Perjury.

25. And be it further enacted, that if any person, upon examination on oath or affirmation before any commissioner of the navy, or before any justice of the peace in any matter relating to the execution of this Act, shall wilfully and corruptly give false evidence, or shall in any information or deposition sworn, or affirmation taken in writing, before any such commissioner or justice, wilfully and corruptly swear or affirm any matter or thing which shall be false or untrue, every such person so offending, and being thereof lawfully convicted, shall be and is hereby declared to be subject and liable to the like pains and penalties as any persons convicted of wilful and corrupt perjury, are by any law now in force subject and liable to.

Appeal.

26. And be it further enacted, that it shall and may be lawful to and for any person or persons so convicted by any commissioner of the navy or justice of the peace before-mentioned, of any offence or offences against this Act, within three calendar months next after such conviction, to appeal to the justices of the peace assembled at the general quarter sessions holden for the county, city, or place where the matter of appeal shall arise, first giving ten days notice of such appeal to the person or persons appealed against and of the matter thereof, and entering into a recognizance before some commissioner of the navy, or justice of the peace for such county, city, or place, with two sufficient sureties conditioned to try such appeal, and for abiding the determination of the court therein; and such justices at the general quarter sessions shall, upon due proof of such notice having been given, and a recognizance having been entered into, hear and determine the matter of such appeal, and may either confirm or quash and annul the said conviction, and award such costs to either party as to them shall seem just and reasonable; and the decision of the said justices therein shall be final, binding, and conclusive.

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Limitation of actions.

[27.(1)] And be it further enacted, that if any action or suit shall be brought or commenced against any person or persons, for any thing done in pursuance of this Act, such action or suit shall be commenced within six months after the matter or thing done, and the venue therein laid in the proper county and not elsewhere; and the defendant or defendants in such action or suit may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon; [and if a verdict shall pass for the defendant or defendants, or the plaintiff shall be non-suited or discontinue his action, after the defendant or defendants has or have appeared, or if judgment shall be given upon any verdict or demurrer against the plaintiff or plaintiffs, the defendant or defendants shall recover treble costs, and have the like remedy for the same as defendants have by law in other cases.](2)

Saving.

28. Provided always, and be it further enacted, that nothing in this Act contained shall extend or be construed to extend to prejudice, diminish, abridge, alter, or take away any right of property, privilege, or jurisdiction, or any powers of conservancy, held, possessed, used, exercised, or enjoyed, by any body corporate or politic, or by any lord or lords, lady or ladies of any manor or manors, or any person or persons whatsoever, in, to, upon, or over any of the ports, harbours, havens, roads, roadsteads, sounds, channels, creeks, bays, or navigable rivers of the United Kingdom, or to the banks, shores, or sides thereof; or to repeal any of the provisions contained in any Act or Acts of Parliament which may have been passed for the regulation of any river, port, or harbour in the United Kingdom, or the shipping frequenting the same, except such Acts and provisions as are expressly repealed by this present Act; but that such respective rights of property, privileges, jurisdictions, and powers of conservancy shall be respectively and exclusively enjoyed in as full, ample, and beneficial a manner in every respect, to all intents and purposes, as if this Act had never been made, anything herein contained to the contrary notwithstanding.

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(1) Repealed as to Ireland as far as relates to venue and plea of the general issue.—36 & 37 Vict. c. 91.

(2) "And be it enacted that so much of any clause, enactment, or provision in "any public Act or Acts, not local or personal, whereby it is enacted or provided that "either double or treble costs, or any other than the usual costs between party and "party, shall or may be recovered, shall be and the same are hereby repealed: "Provided always, that instead of such costs the party or parties heretofore entitled "under such last-mentioned Acts to such double, treble, or other costs shall receive "such full and reasonable indemnity as to all costs, charges, and expenses incurred "in and about any action, suit, or other legal proceeding as shall be taxed by the "proper officer in that behalf, subject to be reviewed in like manner and by the same "authority as any other taxation of costs by such officer."—5 & 6 Vict. c. 97. s. 2.

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55 George III.—A.D. 1815.

CAP. XCIV.

An Act to continue and amend several Acts relating to the British White Herring Fishery.

[14th June 1815.]

Appointment and duties of superintendant of loch and coast fishery.

9. And be it further enacted, that it shall be lawful for the lords commissioners of the Admiralty, upon the application of the commissioners for the herring fishery, from time to time to appoint a commissioned officer of his Majesty's navy,(1) as superintendant of the British herring fishery carried on in the lochs and upon the coast of Great Britain, not in the deep sea, for the purpose of preserving order among the fishermen and other persons engaged in the said fishery as aforesaid; which person so to be appointed superintendant, shall take an oath in such terms, and before such persons as by the said Act of the forty-eighth year(2) of the reign of his present Majesty, is required to be taken by the superintendant of the British herring fishery carried on in the deep sea; and it shall be lawful for such commander and superintendant of the loch and coast fishery, or any person acting by his order, at all times whenever he shall think fit to go on board any of the vessels or boats employed in the fishery, under his superintendance, and to inspect the certificate of registry, excise permit, licence, certificate of fishery officers, and the account kept by the master, or other document, which is or are respectively required by law to be on board such vessel or boat; all which the master of every such vessel or boat shall produce and deliver to the said superintendant or other person aforesaid, upon demand, for his inspection and examination; and the said superintendant or other person aforesaid, is hereby empowered to detain any such vessel or boat, till all or any of such documents shall be produced and delivered to him; and all powers given by the said Act(3) to the superintendant of the deep sea fishery, to enable him to preserve order in the said fishery, shall extend to the superintendant of the herring fishery in the lochs, and on the coast of Great Britain, and to every officer of the fishery, wherever such officer shall be appointed or employed to execute the duties of his office; and all penalties imposed by the said Act on any person or persons, for resisting the superintendant of the deep sea fishery, or for resisting any officer of the fishery in the execution of the powers given him by the said Act, shall extend to every person or persons resisting the superintendant of the herring fishery in the lochs, and on the coast of Great Britain, or any person or persons acting under him, or any officer of the fishery respectively, in the execution of the powers hereby extended to him or them for preserving order in the said last-mentioned fishery.

(1) *See* additional penalties imposed on every person who resists or obstructs any person acting under the orders of the naval superintendant, 30 & 31 Vict. c. 52. s. 5.

(2) 48 Geo. 3. c. 110. s. 9., p. 9, *ante*.

(3) *See* 48 Geo. 3. c. 110. s. 18., p. 10, *ante*.

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55 George III.—A.D. 1815.

CAP. CXXVIII.

An Act to enable His Majesty to acquire Ground necessary for Signal and Telegraph Stations.

[29th June 1815.]

WHEREAS it is expedient that his Majesty should be enabled from time to time to procure and take, or purchase, either for a time or term of years, or in fee, as occasion shall require, all such lands or hereditaments as are, shall, or may be wanted for the purposes of signal or telegraph stations, and of making, preserving, and maintaining a free and uninterrupted communication between the respective signals or telegraphs erected or to be erected thereon, and of preventing and removing any obstructions thereto, either by buildings, trees, or in any other manner, together also with all necessary ways unto and from the same; be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that it shall be lawful for the lord high admiral, or any three or more of the commissioners for executing the office of lord high admiral of the United Kingdom of Great Britain and Ireland for the time being, from time to time, by any writing under their hands, to authorize any person or persons to survey and mark out any lands or hereditaments which are, shall, or may be wanted for the purposes aforesaid, or any or either of them, and to treat and agree with the owner or owners thereof, or any person or persons interested therein, either for the absolute purchase thereof for the public service or for the possession thereof, for such time or term of years as the public service shall require.

Admiralty may authorize persons to survey and mark out lands for signal or telegraph stations and treat for the purchase thereof.

2. And be it further enacted, that in case any obstruction should arise, grow, or be occasioned, or should be intended to be made between any two signal or telegraph stations, so as to impede the free communication between the said stations, it shall be lawful for the lords commissioners of the Admiralty to agree for the removal or prevention of such obstructions in the same manner and under the same powers and provisions, as are herein-after provided for the acquisition of the lands or grounds necessary for the erection of the said signal or telegraph stations.

Obstructions between stations to be removed.

3. And be it further enacted, that it shall be lawful for all bodies politic or corporate, ecclesiastical or civil, and all feoffees or trustees for charitable or other public purposes, and for all tenants for life and tenants in tail, and for the husbands, guardians, trustees, committees, curators, or attornies of such of the owners or proprietors of or persons interested in any such lands or hereditaments required for such public service as shall be femes covert, infants, lunatics, idiots, or persons beyond the seas,

Bodies politic, &c. may contract for the sale of lands.

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or otherwise incapable of acting for themselves, to contract and agree with such person or persons authorized as aforesaid, either for the absolute sale of such lands or hereditaments, or for the grant of any lease either for any term of years certain therein, or for such periods as the public service shall require, and to convey, surrender, demise, or grant the same unto the said lords commissioners of the Admiralty, in trust for his Majesty, his heirs and successors, accordingly; and all such contracts, sales, conveyances, surrenders, leases, and agreements shall be valid and effectual in law, to all intents and purposes whatsoever.

Where persons refuse to sell, or to accept the consideration offered, two justices, &c. shall put his Majesty's officers into possession, and a jury shall be summoned, who shall find the compensation to be made.

4. And be it further enacted, that in case any such bodies or other persons hereby authorized to contract on behalf of themselves or others as aforesaid, or any other person or persons interested in any such lands or hereditaments which shall be so marked out and surveyed for the public service, shall for the space of fourteen days next after notice in writing, subscribed by such person or persons authorized as aforesaid, shall have been given to the principal officer or officers of any such body, or to such other persons hereby authorized to contract on behalf of others or interested themselves as aforesaid, or left at his, her, or their usual place of abode, refuse or decline to treat or agree, or by reason of absence shall be prevented from treating or agreeing with such person or persons authorized as aforesaid, or shall refuse to accept such sum of money as shall be offered by such person or persons as the consideration for the absolute purchase of such lands and hereditaments, or such annual rent or sum as shall be offered for the hire thereof, either for a time certain or for such period as the public service may require, then and in such case it shall be lawful for such person or persons so authorized as aforesaid to require two or more justices of the peace, or three or more deputy lieutenants (one of whom shall be a justice of the peace) or two or more deputy governors for the county, riding, stewartry, city, or place where such lands or hereditaments shall be, to put his Majesty's officers into immediate possession of such lands or hereditaments which such justices or deputy lieutenants or deputy governors are hereby required to do, and shall for that purpose issue their warrant under their hands and seals commanding possession to be so delivered, and shall also issue their warrants to the sheriffs of the county, riding, stewartry, city, or place wherein such lands or hereditaments shall be situate, to summon a jury, and every such sheriff is hereby authorized and required to summon and return a jury properly qualified of the number of twenty-four, and in the manner required by the laws of England, Ireland, and Scotland respectively, who shall meet at some convenient time and place to be mentioned in such summons, out of whom a jury of twelve shall be drawn in such manner as juries for the trial of issues joined in his Majesty's courts at Westminster and Dublin are drawn by law in England and Ireland respectively, and in such manner as juries are drawn by law for the trial of offences in Scotland; and in case a sufficient number shall not

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appear, the said sheriff shall choose others of the byestanders, or that can speedily be procured, being qualified as aforesaid, and the said jurymen may be challenged by the parties on either side, but not the array; and the said justices, deputy lieutenants, or governors respectively, may summon witnesses, and adjourn any such meeting if jurymen or witnesses do not attend, and the jury, on hearing any witnesses and evidence that may be produced, shall on their oaths (which oaths, as also the oaths of such witnesses, the said justices, deputy lieutenants, or governors respectively, are hereby empowered and required to administer) find the compensation to be paid, either for the absolute purchase of such lands or hereditaments, or for the possession or use thereof, as the case may be.

Appeal from verdict of jury to the Court of Exchequer, in England or Ireland, and to the Court of Session in Scotland.

5. Provided always, and be it further enacted, that if the lord high admiral, or the commissioners for executing the office of lord high admiral aforesaid, or any person interested therein, shall be dissatisfied with the verdict of any such jury, it shall be lawful for them or their attornies in England and Ireland to apply to the Court of Exchequer at Westminster or Dublin respectively in the term next, and in Scotland to apply within fourteen days after the finding any such verdict to the Court of Session in Scotland in time of session, or lord ordinary on the bills in time of vacation, and to suggest to the said courts or lord ordinary respectively, that they have reason to be dissatisfied with such verdict, and forthwith give notice thereof to the said lord high admiral or commissioners or party (as the case may be), and thereupon in England and Ireland the proceedings that shall have been had and the verdict of such jury shall be returned into the said Courts of Exchequer respectively; and if it shall appear to the said courts to be proper, a suggestion shall be entered on such proceedings as aforesaid, and a writ shall thereupon by rule of such court or order of any judge of such court be directed to the sheriff of the county where such lands or hereditaments shall lie, or if the same shall lie in two counties, to the sheriff of either of such counties, to summon either a common or special jury, according to the application that shall have been made on that behalf, and as the court or as such judge shall allow, and who shall respectively be qualified according to law to appear before the said justice or justices of assize or nisi prius of that county at the next assizes or sittings of nisi prius, if the same shall not happen sooner than twenty-one days after such suggestion, otherwise at the next succeeding assizes or sittings; and the compensation to be paid either for the absolute purchase or for the possession or use of such lands or hereditaments, as the case shall be, shall at such assizes or sittings be ascertained by such jury, in like manner as any damages may be enquired of upon any inquisition or enquiry of damages by any jury before any judge of assize or nisi prius, and the verdict of such jury shall be returned to the said Court of Exchequer, and shall be final and conclusive; and in Scotland, if it shall appear proper to the said Court of Session or lord ordinary upon such application so to do, the said

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court or lord ordinary shall order and direct the sheriff of the county where such lands or hereditaments shall lie, or if the same shall lie in two counties, the sheriff of either of such counties, to summon another jury in the manner in which juries are summoned in Scotland, properly qualified according to law, to appear before the lords or lord of Justiciary at the next circuit, if the same shall not happen sooner than twenty-one days after such application, otherwise at the next succeeding circuit; and the compensation as aforesaid for the lands or hereditaments (as the case may be) shall at such circuit be ascertained by a jury drawn from the jury summoned as aforesaid, in such manner as juries are drawn in Scotland, under the direction of the said lords or lord of Justiciary as aforesaid, and the verdict of such last-mentioned juries shall be final and conclusive, without being subject to review or challenge of any kind, unless the court that shall have allowed such enquiry shall think fit, on any application made within four days after the commencement of the succeeding term or session, if in Scotland, to order any new trial in relation thereto.

Jury in ascertaining the compensation for lands shall settle the proportion to be paid to lessees, &c.

6. Provided always, and be it further enacted, that it shall be lawful for any jury impannelled before any justice of the peace or magistrate, or deputy lieutenant or deputy governor, or before any judge of assize or nisi prius, to ascertain the compensation to be paid for any lands or hereditaments under this Act, and they are hereby required to ascertain and settle the proportion to be paid out of such compensation to any person or persons having any interest as lessees or tenants at will or otherwise, in any such lands or hereditaments, and the proportion to be paid out of such compensation shall be returned on the verdict: Provided also, that where any such enquiry before any judge of assize or nisi prius, or lords or lord of Justiciary, shall be had on the application of any such lessee or tenant at will, or other person having any inferior interest in any such lands or hereditaments, who may have been dissatisfied with the proportion of compensation settled by the jury to be paid in respect of such interest, it shall not be lawful for the jury in any such case to alter the amount of the entire compensation awarded by any former verdict to be paid for such lands or hereditaments, but only the proportion thereof to be paid to the person or persons having separate interest therein; and it shall not be lawful for any jury on any enquiry had before any judge of assize or nisi prius or lord or lords of Justiciary, as to any such compensation, on the application of the said lord high admiral or commissioners for executing the office of lord high admiral aforesaid, in any case in which the whole compensation awarded by the former jury, to alter the proportion that shall have been settled by any such former jury as to any separate interest in any such lands or hereditaments.

Courts may require security to be given for costs.

7. Provided also, and be it further enacted, that it shall be lawful for the court or judge or lord ordinary, making any such rule or order, to require that the party on whose application the same shall be made, shall give such security as shall to such

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court, judge, or lord ordinary seem proper for payment of costs under such circumstances as shall be specified in any rule or order made for that purpose.

In cases where lands are taken for any term of years, all erections for the public service may be removed on delivering up the lands to the owners, and compensation shall be awarded.

8. And be it further enacted, that in all cases where any lands or hereditaments shall have been taken under the provisions of this Act, for any term of years or for such period only as the public service shall require, it shall be lawful for the lord high admiral or commissioners for executing the office of lord high admiral aforesaid, or any other person or persons so authorized as aforesaid, at any time before the possession of any lands or hereditaments which shall have been taken for the purposes aforesaid shall be delivered up to the owner or owners thereof, or other person or persons acting on his, her, or their behalf, to take down and remove all such buildings or other erections which shall or may have been built or erected thereon for the public service, and to carry away the materials thereof, making such compensation to the owner or owners of such lands or hereditaments, or other person or persons acting on his, her, or their behalf, for the damage or injury which may have been done thereto, or to the soil thereof, by the erection of any such buildings, or removing and carrying away the same, or otherwise, in consequence of the same having been occupied for the public service, as the said lord high admiral or the commissioners for executing the office of lord high admiral or such other person or persons authorized as aforesaid shall think reasonable, and as shall be agreed upon in that behalf, and if such owner or owners or other person or persons acting on his, her, or their behalf, shall not be willing to accept the compensation so offered, it shall be lawful for the said lord high admiral or commissioners for executing the office of lord high admiral aforesaid, or other person or persons so authorized as aforesaid, to apply to and require two justices of the peace of the county, riding, stewartry, city, or place, to settle and ascertain the compensation which ought to be made for such damage or injury as aforesaid; and such justices shall settle and ascertain the same accordingly, and shall grant a certificate thereof, and the amount of such compensation so settled and ascertained and certified shall forthwith be paid by the treasurer of his Majesty's navy for the time being, to the person or persons entitled thereto: Provided always that nothing in this Act contained shall extend or be construed to extend to alter, prejudice, or affect any agreement which hath been or shall or may be entered into by any such person or persons authorized as aforesaid with any owner or owners of any such lands or hereditaments, or other person or persons acting on his, her, or their behalf, in relation to any such buildings or erections, but every such agreement shall remain valid and effectual in like manner, as if this Act had not been passed.

Saving as to special agreement.

Purchase money for lands belonging to persons under

9. And be it further enacted, that in all cases where any money shall have been or shall be agreed or shall have been or shall be found by the verdict of any jury to be paid or given either for the

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use or for the absolute purchase of any lands or hereditaments taken by virtue of this Act, belonging to any person or persons under any disability or incapacity, or not having the absolute interest therein, the same shall be paid by the treasurer of his Majesty's navy for the time being, into the hands of the deputy of the King's remembrancer of his Majesty's Court of Exchequer at Westminster, Edinburgh, or Dublin respectively, for the time being, for the use and benefit of such person or persons who is hereby authorized and required to receive or accept and to give a discharge for the same, and upon the acceptation or receipt thereof to sign a certificate to the barons or judges of the said Courts of Exchequer respectively under his hand, purporting and signifying that such money or other consideration was received or accepted by and paid to him in pursuance of this Act, for the use and benefit of such person or persons who shall be named and described in such certificate, and the said certificate shall be filed or deposited in the said Court of Exchequer at Westminster, Edinburgh, or Dublin respectively, and a true copy thereof signed by the deputy remembrancer of such court shall and may be read and allowed as evidence for the purposes herein-after mentioned; and the said deputy remembrancer is hereby required, upon receipt of any such sum or sums of money as aforesaid, to pay the same into the Bank of England, or Bank of Scotland or Royal Bank of Scotland, or Bank of Ireland, as the case may require, and immediately upon the filing or depositing of such certificate the said lands or hereditaments shall be and become vested in or to the use of his Majesty, his heirs and successors.

disability, &c. shall be paid by the treasurer of the navy to the deputy remembrancer of the Exchequer for their use.

Deputy remembrancer shall pay the money into the Bank.

10. And be it further enacted, that the barons or judges of his Majesty's Court of Exchequer at Westminster, Edinburgh, or Dublin, of the decree of the coif, for the time being respectively, or any two or more of them, shall be and they are hereby authorized and empowered in a summary way upon motion or by petition, for and on behalf of any person or persons interested in or entitled to the benefit of the money so paid to and received by the deputy remembrancer or the interest or produce thereof, and upon reading the certificate directed to be signed by the said deputy remembrancer concerning the same as aforesaid, and receiving such further satisfaction as they shall think necessary, to make and pronounce such orders and directions for paying the said money or any part of the same, or for placing out such part thereof as shall be principal in the public funds or upon government or real securities, and for payment of the dividends or interest thereof, or any part thereof, to the respective persons entitled to receive the same, or for laying out the principal or any part thereof in the purchase of other lands or hereditaments to be conveyed and settled to, for, and upon the same uses, trusts, intents, and purposes as the said lands and hereditaments so taken stood settled at the time of the payment of such money as aforesaid, as near as the same can be done, or otherwise, concerning the disposing of the said money or any part thereof, and the

Barons of the Exchequer, &c. on petition of the parties interested shall order the application of the money.

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interest of the same or any part thereof, for the benefit of the person or persons entitled to and interested in the same respectively, or for appointing any person or persons to be trustee or trustees for all or any of such purposes as the said court shall think just and reasonable.

On death or removal of deputy remembrancer, stocks and securities shall vest in successor.

11. And be it further enacted, that upon the death or removal of any such deputy remembrancer, all stocks and securities vested in him by virtue of this Act shall vest in the succeeding deputy remembrancer for the purposes herein-before mentioned without any assignment or transfer; and all monies paid into the said banks respectively in pursuance of this Act, or remaining in the hands of any deputy remembrancer at his death or removal, and not vested in the funds or placed out on securities as aforesaid, shall be paid over to the succeeding deputy remembrancer for the time being.

Where there is no deputy powers shall vest in the King's remembrancer.

12. And be it further enacted and declared, that if in any case the King's remembrancer shall execute the said office in person, then and in such case the several trusts, powers, and authorities, by this Act vested in the said deputy remembrancer and his successors, shall during such time as no deputy remembrancer shall be appointed, be vested in and be executed by the said King's remembrancer for the time being.

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59 George III.—A.D. 1819.

CAP. XXV.

An Act to enable His Majesty to fix the Rate and direct the Disposal of Freight Money, for the Conveyance of Specie and Jewels on board His Majesty's Ships and Vessels.(1) [8th April 1819.]

WHEREAS it is expedient that his Majesty should be authorized to fix the rate and direct the disposal and distribution of freight money for the conveyance of specie and jewels on board his Majesty's ships and vessels: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act all freight money to be paid for the conveyance in any of the ships and vessels of his Majesty, his heirs and successors, of gold, silver, and jewels, or of any other article which may be by special order received on board the said ships and vessels, and for which freight shall be payable, shall be paid at such rate

All freight to be paid for the conveyance on board his Majesty's ships and vessels, of gold, silver, or other valuable articles, shall be paid at the

(1) *See* Naval Discipline Act (29 & 30 Vict. c. 109.), s. 32., *post*.

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and distributed and applied to such purposes, and divided to and amongst such persons in such proportions and after such manner as his Majesty, his heirs or successors, shall from time to time think fit to order and direct, by any proclamation or proclamations to be issued for that purpose; and that no freight money or reward shall hereafter be demanded, paid, received or retained, by, to, or for the use or on account of any person or persons, for the conveyance on board of any of the ships or vessels of his Majesty, his heirs or successors, of any gold, silver, or jewels, or any other article, which may be by special order received on board the said ship or vessel, and for which freight shall be payable, other than for the purposes and by the person or persons, in the proportion, at the rates, and in the manner so to be paid and allowed by proclamation or proclamations; and that all bargains, contracts, convenants and agreements, made or entered into, or hereafter to be made or entered into, for the payment of any freight money for or in the name or on the account of freight for the conveyance of gold, silver, or jewels, or other articles as aforesaid, on board of any of his Majesty's ships or vessels, at any other rate, or for any other purpose, or by or to any other person or persons, or in any other manner or proportions than as aforesaid, shall be and the same are hereby declared to be utterly void.

rate and applied in the manner from time to time directed by proclamation.

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59 George III.—A.D. 1819.

CAP. XXXVIII.

An Act to enable His Majesty to make Regulations with respect to the taking and curing Fish on certain Parts of the Coasts of Newfoundland, Labrador, and His Majesty's other Possessions in North America, according to a Convention made between His Majesty and the United States of America.(1)

[14th June 1819.]

WHEREAS a convention between his Majesty and the United States of America was made and signed at London on the twentieth day of October one thousand eight hundred and eighteen; and by the first article of the said convention, reciting that differences had arisen respecting the liberty claimed by the United States for the inhabitants thereof to take, dry, and cure fish in certain coasts, bays, harbours, and creeks of his Britannic Majesty's dominions in America, it is agreed, that the inhabitants of the said United States shall have for ever, in

Convention with the United States, dated 20th Oct. 1818.

(1) *See*, as to fisheries in seas adjoining the British islands and France, the Sea Fisheries Act, 1868 (31 & 32 Vict. c. 45.), *post*.

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common with the subjects of his Britannic Majesty, the liberty to take fish of every kind on that part of the southern coast of Newfoundland which extends from Cape Ray to the Rameau islands, on the western and northern coasts of Newfoundland, from the said Cape Ray to the Quirpon islands, on the shores of the Magdalen islands, and also on the coasts, bays, harbours, and creeks from Mount Joly on the southern coasts of Labrador to and through the straits of Belleisle, and thence northwardly indefinitely along the coast, without prejudice, however, to any of the exclusive rights of the Hudson's Bay Company; and it was also by the said article of the said convention agreed, that the American fishermen should have liberty for ever to dry and cure fish in any of the unsettled bays, harbours, and creeks of the southern part of the coast of Newfoundland above described, and of the coast of Labrador, but that so soon as the same, or any portion thereof, should be settled, it should not be lawful for the said fishermen to dry or cure fish at such portion so settled without previous agreement for such purpose with the inhabitants, proprietors, or possessors of the ground: And whereas it is expedient that his Majesty should be enabled to carry into execution so much of the said convention as is above recited, and to make regulations for that purpose: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that from and after the passing of this Act, it shall and may be lawful for his Majesty, by and with the advice of his Majesty's privy council, by any order or orders in council, to be from time to time made for that purpose, to make such regulations and to give such directions, orders, and instructions to the governor of Newfoundland, or to any officer or officers on that station, or to any other person or persons whomsoever, as shall or may be from time to time deemed proper and necessary for the carrying into effect the purposes of the said convention with relation to the taking, drying, and curing of fish by inhabitants of the United States of America, in common with British subjects, within the limits set forth in the said article of the said convention and herein-before recited; any Act or Acts of Parliament, or any law, custom, or usage to the contrary in any wise notwithstanding.

His Majesty in council may make regulations and give orders for carrying the convention into effect.

2. And be it further enacted, that from and after the passing of this Act it shall not be lawful for any person or persons, not being a natural-born subject of his Majesty, in any foreign ship, vessel, or boat, nor for any person in any ship, vessel, or boat, other than such as shall be navigating according to the laws of the United Kingdom of Great Britain and Ireland, to fish for or to take, dry, or cure any fish of any kind whatever, within three marine miles of any coasts, bays, creeks, or harbours whatever, in any part of his Majesty's dominions in America, not included within the limits specified and described in the first article of the

Foreign vessels not to fish within a certain distance of any coasts, bays, &c. of British possessions in America not included in the limits specified in the convention;

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said convention and herein-before recited; and that if any such foreign ship, vessel, or boat, or any persons on board thereof, shall be found fishing, or to have been fishing, or preparing to fish within such distance of such coasts, bays, creeks, or harbours, within such parts of his Majesty's dominions in America out of the said limits as aforesaid, all such ships, vessels, and boats, together with their cargoes, and all guns, ammunition, tackle, apparel, furniture, and stores shall be forfeited, and shall and may be seized, taken, sued for, prosecuted, recovered, and condemned by such and the like ways, means, and methods, and in the same courts, as ships, vessels, or boats may be forfeited, seized, prosecuted, and condemned for any offence against any laws relating to the revenue of customs, or the laws of trade and navigation, under any Act or Acts of the Parliament of Great Britain, or of the United Kingdom of Great Britain and Ireland; provided that nothing in this Act contained shall apply or be construed to apply to the ships or subjects of any prince, power, or state in amity with his Majesty, who are entitled by treaty with his Majesty to any privilege of taking, drying, or curing fish on the coasts, bays, creeks, or harbours, or within the limits in this Act described.

under penalty of confiscation.

Saving as to vessels of any power entitled thereto by treaty.

3. Provided always, and be it enacted, that it shall and may be lawful for any fisherman of the said United States to enter into any such bays or harbours of his Britannic Majesty's dominions in America as are last mentioned for the purpose of shelter and repairing damages therein, and of purchasing wood and of obtaining water, and for no other purpose whatever; subject nevertheless to such restrictions as may be necessary to prevent such fishermen of the said United States from taking, drying, or curing fish in the said bays or harbours, or in any other manner whatever abusing the said privileges by the said treaty and this Act reserved to them, and as shall for that purpose be imposed by any order or orders to be from time to time made by his Majesty in council under the authority of this Act, and by any regulations which shall be issued by the governor or person exercising the office of governor in any such parts of his Majesty's dominions in America, under or in pursuance of any such order in council as aforesaid.

American fishermen may enter such bays, &c. for the purpose of shelter, &c. subject to such restrictions as may be imposed to prevent abuse of privileges.

4. And be it further enacted, that if any person or persons, upon requisition made by the governor of Newfoundland, or the person exercising the office of governor, or by any governor, or person exercising the office of governor, in any other parts of his Majesty's dominions in America as aforesaid, or by any officer or officers acting under such governor, or person exercising the office of governor, in the execution of any orders or instructions from his Majesty in council, shall refuse to depart from such bays or harbours; or if any person or persons shall refuse or neglect to conform to any regulations or directions which shall be made or given for the execution of any of the purposes of this Act;

Penalty on persons refusing to depart from such bays, &c., when required so to do or disobeying regulations made under this Act.

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every such person so refusing or otherwise offending against this Act shall forfeit the sum of two hundred pounds, to be recovered in the superior court of judicature of the island of Newfoundland, or in the superior court of judicature of the colony or settlement within or near to which such offence shall be committed, or by bill, plaint, or information in any of his Majesty's courts of record at Westminster; one moiety of such penalty to belong to his Majesty, his heirs and successors, and the other moiety to such person or persons as shall sue or prosecute for the same: Provided always, that any such suit or prosecution, if the same be committed in Newfoundland, or in any other colony or settlement, shall be commenced within three calendar months; and, if commenced in any of his Majesty's courts at Westminster, within twelve calendar months from the time of the commission of such offence.

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5 George IV.—A.D. 1824.

CAP. XLIX.

An Act for enabling the Commissioners for Victualling His Majesty's Navy to purchase certain Premises, for completing a Victualling Establishment at Cremill Point near Plymouth in the County of Devon, and for supplying the said Establishment with Water.(1)

[3d June 1824.]

WHEREAS it has been deemed necessary to erect messuages, offices, storehouses, and buildings, and to form a victualling establishment at Cremill Point, in the parish of East Stonehouse, near Plymouth, in the county of Devon, for the purpose of victualling and supplying the ships of his Majesty's navy, resorting to, using, and being in the harbours, roads, and havens within the port of Plymouth; and it is necessary for completing the said establishment, that powers should be given to the commissioners (1) for victualling his Majesty's navy to purchase for and on behalf of his Majesty, his heirs and successors, and to take and use for the public service, all such lands, messuages, tenements, hereditaments, and premises, situated at Cremill Point aforesaid, or within the peninsula of Cremill, as the said commissioners shall have contracted to purchase, or as they shall think necessary and required for the public service, together with all the freehold, leasehold, and other interests in the same: And whereas it is of great importance that the said victualling establishment at Cremill Point should be furnished

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(1) This Act, though made a public one, is in its nature local. The first eight sections are inserted as imposing liabilities and conferring rights of some importance on the Admiralty.

(2) *See* 2 Will. 4. c. 40., p. 73, *post*, under which the powers and duties of these commissioners are vested in the Admiralty.

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with an adequate supply of fresh and wholesome water, for the use thereof: And whereas an Act was passed in the twenty-seventh year of the reign of her Majesty Queen Elizabeth, intituled "An Act for the preservation of the haven of Plymouth"; by virtue of which same Act the mayor and commonalty of the town of Plymouth were authorized and empowered to dig or mine a ditch or trench, containing in breadth between six or seven feet over, and in all places through and over all the lands and grounds lying between the said town of Plymouth and any part of the river Mew, alias Mevie, and to dig, mine, break, bank, and cast up all and all manner of rocks, stones, gravel, sand, and all other letts, in any places or grounds, for the convenient or necessary conveying the same river to the said town; which said trench or ditch was accordingly cut and dug, and is now commonly known as the Plymouth Leat, commencing at a certain part of the said river Mew or Meavy called the Weir Head, and from thence passing through the parishes of Sheepstor, Shaw, Meavy, Bickleigh, Buckland Monachorum, Tamerton, Folliot, Saint Budeaux, the tithing of Pennycross otherwise called Weston Peverall, and to the parishes of Saint Andrew and Charles, in the said town of Plymouth; and the inhabitants of the said town and borough, and merchant ships and vessels resorting to the said port, are supplied with water therefrom, by the mayor and commonalty of the said town, under the powers, authorities, and directions of the said Act: And whereas a full and adequate supply of water might be afforded to the said victualling establishment at Cremill Point, and also to the Royal Naval Hospital at East Stonehouse aforesaid, from the said trench or leat, and the said mayor and commonalty are willing to furnish the same; but in order thereto it is expedient that powers should be given for enlarging and deepening the said trench or leat, and cleansing and repairing the bed and banks thereof, and for making, constructing, and establishing dams and reservoirs, and laying down pipes or tunnels, and doing all other necessary acts, and making all needful works, and also for entering into, taking, and purchasing lands and grounds for that purpose: And whereas the powers of the said recited Act are not sufficient for preserving the water in the said trench or leat, and preventing nuisances and annoyances therein, and further provisions are required for that purpose, and for securing a constant supply of water to the said town of Plymouth, for the use of the inhabitants thereof, and the ships and vessels resorting thereto, as well as to the said victualling establishment at Cremill Point and naval hospital aforesaid: May it therefore please your Majesty that it may be enacted, and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present Parliament assembled, and by the authority of the same, that it shall and may be lawful for the said commissioners for victualling his Majesty's navy, their deputies, servants, agents, and workmen, and they are hereby authorized and em-

27 Eliz. c. 20.

Establishing a reservoir and conveying water to

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victualling establishment and to naval hospital.

powered to enter into and upon the lands and grounds of any person or persons, bodies politic, corporate, or collegiate, whatsoever, situate, lying, and being between the said trench called the Plymouth Leat, and the said victualling establishment at Cremill Point aforesaid, and to survey and take levels of the same or of any part thereof, and at the proper costs and charges of his Majesty, his heirs and successors, to make, construct, and establish, at a convenient spot, the property of his Majesty, adjoining a lane called No Place Lane, leading from the northern turnpike towards the said naval hospital at East Stonehouse aforesaid, a reservoir for receiving and keeping the water to be supplied from the said trench or leat to the said victualling establishment and naval hospital; and also to make, lay down, construct, and establish such main pipes, service, communication, and other pipes, branches of lead, cocks, plugs, drains, penstocks, sluices, and other works, in such manner and of such structure as they shall think proper for conveying the water from the said reservoir in No Place Lane to the said victualling establishment at Cremill Point and naval hospital, and there distributing the same; and for the purposes aforesaid to enter upon, dig, break up, and remove the soil, posts, kirbs, bars, sewers, drains, pavements, and gravelled ways of and in any of the streets, roads, lanes, passages, highways, and public places lying in the direction between the said intended reservoir and the said victualling establishment and naval hospital respectively; and to bore, dig, cut, trench, get, remove, take, carry away, and lay any earth, clay, stone, soil, rubbish, trees, roots of trees, beds of gravel, sand, or any other matters or things which may be dug or got in making the said intended reservoir, or laying down the said works, or doing any other work or matter for conveying and distributing the said water, or which may hinder, prevent, or obstruct the making, using, completing or maintaining of such reservoir, pipes, branches, and other works, as may be necessary and proper to convey and distribute water from the said trench or leat to the said victualling establishment and naval hospital, and from time to time, as occasion may require, to alter the position of, and to repair, relay, and maintain such reservoir, pipes, and other works, made, laid, constructed, and established by them, and to do all such other acts, matters, and things as shall from time to time be necessary or proper for completing, improving, repairing, amending, maintaining, and using the several works authorized to be done as aforesaid; they the said commissioners, their deputies, agents, servants, and workmen, doing as little damage as may be, and effectually repairing all such streets, roads, lanes, passages, highways, and public places, which shall be opened, broken up, or used in carrying on or completing the several works herein-before described.

Corporation of Plymouth and commissioners for

2. And be it further enacted, that it shall and may be lawful for the said mayor and commonalty of the town of Plymouth, and for the said commissioners for victualling his Majesty's navy,

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victualling the navy to make a dam at the Weir Head, and to cleanse and deepen the leat, and repair the bed, banks, and works thereof.

at the expense of the said mayor and commonalty and of the said commissioners, in the proportions herein-after mentioned to make, construct, and establish a dam at a certain place on the said trench or leat known as the Weir Head, and also such other dams, weirs, sluices, reservoirs, and other works, as they may think necessary for affording the said supplies of water, and also to enlarge, widen, open, deepen, cleanse, and scour the said trench or leat and the bed thereof, and to raise, cut, and repair the banks thereof, and to repair all dams, weirs, and other works now belonging thereto, or used or provided for supplying the said town and borough of Plymouth with water, in such a manner as to them respectively shall seem fit and necessary for obtaining and securing a full and constant supply of fresh water, as well as to the said victualling establishment at Cremill Point and naval hospital, and any other establishments belonging to his Majesty, as herein-after mentioned, as to the said town and borough of Plymouth; and the said mayor and commonalty, and the said commissioners for victualling his Majesty's navy, their deputies, agents, servants, and workmen respectively, are hereby authorized and empowered to enter upon the lands and grounds of any person or persons, bodies politic, corporate, or collegiate, or of any tenant or tenants, lessee or lessees of the said mayor and commonalty, near to or adjoining the said leat, for the purpose of making, constructing, and establishing the said intended dam at the Weir Head, and all such other dams, aqueducts, bridges, weirs, sluices, reservoirs, works, matters, and conveniences as they shall think necessary and proper, as well for the providing and securing the said supplies of water for the purposes aforesaid, as also for viewing, preserving, improving, cleansing, scouring, repairing, and maintaining the said trench or leat, and the banks and works thereof respectively; and also to bore, dig, cut, remove, take and carry away any earth, clay, stone, soil, rubbish, trees, roots of trees, beds of gravel or sand, or any other matters or things which may hinder or obstruct the flow of water in, through, or from the said trench or leat, according to the intent and purpose of this Act; the said mayor and commonalty, and the said commissioners, their deputies, agents, servants, and workmen, doing as little damage as may be in the execution of the several matters aforesaid; and in case of any new cuts, weirs, sluices, dams, aqueducts, or other works being erected, made, or established on any lands or grounds adjoining to the said trench or leat, or in case of the said trench or leat being enlarged and widened to more than the said breadth of seven feet in the said recited Act mentioned, then and in such cases (but not otherwise) making such satisfaction, in manner herein-after mentioned, to the owners, proprietors, and occupiers of, and all persons interested in the lands and grounds which shall be taken, used, occupied, or prejudiced, for all damages to be by them sustained in or by the execution of the powers of this Act: Provided always, that nothing herein contained shall authorize the said commissioners to make any

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alteration in the bed or banks of the said trench or leat, without the licence, concurrence, and approbation of the said mayor and commonalty, nor to authorize the said commissioners and the said mayor and commonalty, or either of them, to take or use, for the purposes of this Act, any lands or grounds adjoining to the said trench or leat, in its course from the Weir Head through the several parishes and places aforesaid, to the said intended reservoir in No Place Lane, to a greater distance than one hundred yards from either side thereof, without the consent of the owners of such lands or grounds.

Corporation of Plymouth to supply daily 400 tuns of water, for which they are to receive a rent of 250*l.* per annum.

3. And be it further enacted, that when the said reservoir in No Place Lane, and other works herein-before mentioned, or such of them as shall be sufficient for the purpose, shall be completed, the said commissioners for victualling his Majesty's navy shall give notice thereof to the said mayor and commonalty, and shall require them to furnish the same with water; and from thenceforth the said mayor and commonalty shall, and they are hereby required to convey from the said stream or leat, by a sluice or such other ways and means as they may judge proper, a supply equal to four hundred tuns daily of pure wholesome fresh water into the said reservoir of the said commissioners, to be from thence conveyed and apportioned and distributed among the different departments of the said victualling establishment at Cremill Point and the naval hospital aforesaid, in such manner as the said commissioners shall think fit; the said quantity of water to be supplied in constant currents to the full diameter of the bore of the pipe or pipes, when the said pipes lie in an horizontal position (inevitable accidents by breaking of the pipes, inclemency of weather, or during the necessary repair of the pipes, respectively, only excepted); in consideration whereof the said mayor and commonalty, and their successors, shall be entitled to and shall have and receive a net annual rent or sum of two hundred and fifty pounds, free and clear of any deduction (except as herein-after mentioned), payable quarterly by victualling bills, called ready money bills, to be drawn upon the treasurer of his Majesty's navy for the time being; the said rent to commence on the first usual quarter day after the passing of this Act.

If required, the corporation are to furnish a further supply of 80 tuns of water daily, for which they are to receive a further rent of 50*l.* per annum.

4. And be it further enacted, that if the said commissioners for victualling his Majesty's navy for the time being shall at any time hereafter require a further supply of water for the use of the said victualling establishment at Cremill Point, or for the use of his Majesty's said naval hospital at East Stonehouse, or of any other buildings, stores, or establishments belonging to his Majesty, or held or occupied for the public service, then and in that case, upon notice or signification thereof in writing being given by the said commissioners, or any three of them, to the said mayor and commonalty, the said mayor and commonalty or their successors shall, and they are hereby required, as soon after the receipt of such notice as may be, to convey from the said trench or leat, by a sluice or such other ways and means as

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they may judge proper, a further supply equal to eighty tuns daily of pure wholesome fresh water, into the said reservoir of the said commissioners, or unto such other place as the said commissioners for the time being shall for that purpose nominate and appoint; and it shall thereupon be lawful for the said commissioners for the time being, at the costs and charges of his Majesty, his heirs and successors, to make, construct, lay down, and establish, and afterwards repair, support, and maintain, such additional reservoir or reservoirs, and such additional pipes and other works, and do all such further matters and things as may be necessary and expedient for conveying the said additional supply of water from the said trench or leat to the place or places to be supplied therewith; all such additional works to be done, made, laid down, constructed and established, and repaired, supported, and maintained, under the same powers, authorities, and provisions, and in the same manner, as are and is herein-before given, provided, and directed, with regard to the making and constructing the said reservoir and other works by the said commissioners, for conveying water to the said victualling establishment at Cremill Point and the naval hospital aforesaid; and in consideration of such further supply of water, the said mayor and commonalty shall be entitled to and shall have and receive a further net annual rent or sum of fifty pounds, free and clear of any deduction (except as herein-after mentioned), payable quarterly, and by bills, in the same manner as the said rent of two hundred and fifty pounds is directed to be paid; the said further rent of fifty pounds to become payable on the quarter day next ensuing the day on which it shall be certified by the commissioners for the time being for victualling his Majesty's navy, that such additional supply of water has commenced.

Engineers, surveyors, &c. to be appointed.

5. And be it further enacted, that it shall be lawful for the said mayor and commonalty, and the said commissioners, jointly to nominate, appoint, and employ such and so many engineers, surveyors, workmen, and others, as they may think necessary and proper for making, constructing, and establishing the said dam at the Weir Head, and any other dams, weirs, sluices, and other works on the said trench or leat, and of repairing the present works and the bed and banks thereof, and of enlarging, widening, deepening, cleansing, and scouring the said trench or leat, to be done by the said mayor and commonalty, and the said commissioners for victualling his Majesty's navy, as herein-before mentioned; but in case the said mayor and commonalty shall neglect or refuse, for the space of one month next after the passing of this Act, to join the said commissioners in such nomination and appointment, then the said commissioners shall, and they are hereby authorized, alone, and without the concurrence of the said mayor and commonalty, to appoint and employ such engineers, surveyors, workmen, and others, for the purposes aforesaid; and that the cost, charges, and expences of the said works as last herein-mentioned, shall, in the first place,

How the expences of making the

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dam at the Weir Head, and repairing the leat, and the bed and banks and works, are to be borne and defrayed.

be paid and defrayed by the said commissioners, for and on account of his Majesty; and if such costs, charges, and expences shall exceed the sum of one thousand five hundred pounds, then and in such case the said mayor and commonalty shall be liable to and shall repay to the said commissioners the sum of seven hundred and fifty pounds, and all the rest and excess of the expenditure shall be at the costs and charges of his Majesty, his heirs and successors; and in case such costs and charges shall not amount to or shall not exceed the sum of one thousand five hundred pounds, then the amount of such costs and charges shall be equally divided between the said commissioners and the said mayor and commonalty, and the said mayor and commonalty shall be liable to and shall repay to the said commissioners one half of such amount; and for providing for such repayments, it shall and may be lawful for the said commissioners for the time being, out of the annual rents or sums of money payable to the said mayor and commonalty for the supply of water as aforesaid, yearly and every year to deduct and retain the sum of one hundred pounds, until the whole of the principal sum or sums of money so to be repaid by the said mayor and commonalty to the said commissioners, shall be paid off and discharged.

The leat and dam and other works to be repaired for two years by the commissioners of victualling, and after that time by the corporation.

6. And be it further enacted, that when the said trench or leat shall be widened and enlarged, scoured, cleansed, and deepened, and the banks and dams, weirs, and other works thereof repaired, and the said dam at the Weir Head, and any other new dams, weirs, sluices, or other works, which may be made under the authority of this Act, at the joint expence of the said mayor and commonalty and the said commissioners for victualling his Majesty's navy, shall be completed, and shall be certified by writing under the hands of the engineers or surveyors to be appointed by the said mayor and commonalty and the said commissioners, the said trench or leat, and the banks thereof, and all such dams, weirs, sluices, and other works thereon, shall be maintained, repaired, and supported by the commissioners for the time being for victualling his Majesty's navy, at the costs and charges of his Majesty, his heirs and successors, for the period of two years then next ensuing, and at the expiration of that time shall be given up to the said mayor and commonalty in good order and repair; and from thenceforth the said mayor and commonalty shall, at their own costs and charges, maintain, cleanse, scour, repair, and support the said trench or leat, and the banks, dams, weirs, sluices, and works thereof, in a proper and efficient state for supplying the said victualling, and other establishments, and the said town of Plymouth, with a full and sufficient supply of fresh and wholesome water.

In case of the supply of water failing from the defective state of the leat

7. And be it further enacted, that when and as often as, after the expiration of the said period of two years, any failure or want of supply of the full quantity of four hundred tuns, and eighty tuns (if required) of fresh and wholesome water, to be daily

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supplied as herein-before mentioned, shall occur, the commissioners for the time being for victualling his Majesty's navy shall cause notice in writing of such want of supply to be given to the said mayor and commonalty; and if such failure and want of supply shall be occasioned by any obstruction or defect of repair in the said trench or leat, or the bed or banks thereof, or in any dam, weir, sluice, aqueduct, pipe, or other work, to be repaired and maintained by the said mayor and commonalty, and the said mayor and commonalty shall not, for the space of six days after the delivery of such notice, cause the obstruction to be removed, or the repairs to be made, done, and completed, and the full quantity of water furnished, then and in every such case it shall and may be lawful for the commissioners for the time being for victualling his Majesty's navy, to cause such obstruction to be removed, or such repairs to be done and completed, and to deduct and retain the amount of the expence thereof out of the accruing rent or sum payable to the said mayor and commonalty; any thing herein contained to the contrary notwithstanding.

or the works, if the corporation neglect to repair, the commissioners may do it, deducting the expence from the annual rent.

8. And be it further enacted, that if at any time hereafter a further supply of water shall, for the purposes of the said recited Act or this Act, be required from the said river Mew otherwise Meavy, it shall and may be lawful for the said mayor and commonalty to take and obtain the same, and for that purpose to make such new reservoirs, dams, weirs, flood gates, sluices, and other works, as they shall deem necessary, for conveying such further and additional quantities of water as may be required from the said river Mew or Meavy, into the said trench or leat: Provided that in case the said mayor and commonalty, in effecting the same, shall alter the course and current of the said river, or enlarge or widen the said trench or leat to more than the said breadth of seven feet in the said recited Act mentioned; or in case the said mayor and commonalty in effecting the same shall do any damage or injury to the lands or grounds of any person or persons, the said mayor and commonalty shall make compensation or satisfaction to such person or persons for such damage or injury as may be agreed on: But in case such person or persons shall refuse or neglect to enter into such agreement, or shall refuse to accept, on tender thereof, any such sum of money by way of compensation or satisfaction as the said mayor and commonalty shall think reasonable, the same shall be settled, ascertained, and awarded by the verdict or inquisition of a jury, in manner herein-after directed, and to which the provisions herein-after contained as to other inquisitions shall be held to apply.

If a further supply of water should be wanted from the river Mew, the corporation may obtain it without making any compensation, unless they alter the course of the river, or enlarge or widen the leat.

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5 George IV.—A.D. 1824.

CAP. CXIII.

An Act to amend and consolidate the Laws relating to the Abolition of the Slave Trade.(1) [24th June 1824.]

* * * * * * *

The purchase, sale, or contract for slaves declared unlawful; as also the exportation and importation of slaves;

the shipping of slaves in order to exportation or importation;

the fitting out vessels;

making loans or guarantees;

2. And be it further enacted, that it shall not be lawful (except in such special cases as are herein-after mentioned) for any persons to deal or trade in, purchase, sell, barter, or transfer, or to contract for the dealing or trading in, purchase, sale, barter, or transfer of slaves, or persons intended to be dealt with as slaves; or to carry away or remove or to contract for the carrying away or removing of slaves or other persons, as or in order to their being dealt with as slaves; or to import or bring, or to contract for the importing or bringing into any place whatsoever, slaves or other persons, as or in order to their being dealt with as slaves; or to ship, tranship, embark, receive, detain, or confine on board, or to contract for the shipping, transhipping, embarking, receiving, detaining, or confining on board of any ship, vessel, or boat, slaves or other persons, for the purpose of their being carried away or removed as or in order to their being dealt with as slaves; or to ship, tranship, embark, receive, detain, or confine on board, or to contract for the shipping, transhipping, embarking, receiving, detaining, or confining on board of any ship, vessel, or boat, slaves or other persons for the purpose of their being imported or brought into any place whatsoever, as or in order to their being dealt with as slaves; or to fit out, man, navigate, equip, dispatch, use, employ, let, or take to freight or on hire, or to contract for the fitting out, manning, navigating, equipping, dispatching, using, employing, letting, or taking to freight or on hire, any ship, vessel, or boat, in order to accomplish any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful; or to lend or advance, or become security for the loan or advance, or to contract for the lending or advancing, or becoming security for the loan or advance of money, goods, or effects employed or to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful; or to become guarantee or security, or to contract for the becoming guarantee or security for agents employed or to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful; or in any other manner to engage or to contract to engage

(1) *See* 6 & 7 Vict. c. 98., p. 111, *post*, the Slave Trade Act, 1873, 36 & 37 Vict. c. 88., the Slave Trade (East African Courts) Act, 1873, 36 & 37 Vict. c. 59., and 39 & 40 Vict. c. 46., *post*.

It would appear that 5 Geo. 4. c. 113., 6 & 7 Vict. c. 98., and 36 & 37 Vict. c. 88. are to be construed together, *see* 36 & 37 Vict. c. 88. s. 24., *post*.

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directly or indirectly therein as a partner, agent, or otherwise; or to ship, tranship, lade, receive, or put on board, or to contract for the shipping, transhipping, lading, receiving, or putting on board of any ship, vessel, or boat, money, goods, or effects, to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful; or to take the charge or command or to navigate or enter and embark on board, or to contract for the taking the charge or command, or for the navigating or entering and embarking on board of any ship, vessel, or boat, as captain, master, mate, petty officer, surgeon, supercargo, seaman, marine, or servant, or in any other capacity, knowing that such ship, vessel, or boat is actually employed, or is in the same voyage or upon the same occasion, in respect of which they shall so take the charge or command, or navigate or enter and embark, or contract so to do as aforesaid, intended to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful; or to insure or to contract for the insuring of any slaves, or any property, or other subject-matter, engaged or employed, or intended to be engaged or employed, in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful.

the shipping of goods, &c.

or serving on board ships employed for any of the aforesaid purposes;

or the insuring of slave adventures.

3. And be it further enacted, that (except in such special cases as are in and by this Act permitted) if any persons shall deal or trade in, purchase, sell, barter, or transfer, or contract for the dealing or trading in, purchase, sale, barter, or transfer of slaves, or persons intended to be dealt with as slaves, or shall carry away or remove or contract for the carrying away or removing of slaves or other persons, as or in order to their being dealt with as slaves, or shall import or bring or contract for the importing or bringing into any place whatsoever slaves or other persons, as or in order to their being dealt with as slaves, or shall ship, tranship, embark, receive, detain, or confine on board, or contract for the shipping, transhipping, embarking, receiving, detaining, or confining on board of any ship, vessel, or boat, slaves or other persons for the purpose of their being carried away or removed, as or in order to their being dealt with as slaves; or to ship, tranship, embark, receive, detain, or confine on board, or contract for the shipping, transhipping, embarking, receiving, detaining, or confining on board of any ship, vessel, or boat, slaves or other persons, for the purpose of their being imported or brought into any place whatsoever, as or in order to their being dealt with as slaves, then and in every such case the person so offending, and their procurers, counsellors, aiders, and abettors, shall forfeit and pay(1) for every such offence the sum of one hundred pounds of lawful money of Great Britain for each

Penalty for dealing in slaves, or exporting or importing them, &c.;

or shipping slaves for the purpose of exportation or importation.

(1) *See* 36 & 37 Vict. c. 88. s. 25., *post.*

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and every slave so dealt or traded in, purchased, sold, bartered, or transferred, carried away, removed, imported, brought, shipped, transhipped, embarked, received, detained, or confined on board, or so contracted for as aforesaid; the one moiety thereof to the use of his Majesty, his heirs and successors, and the other moiety to the use of any person who shall inform, sue, and prosecute for the same; and all property or pretended property in such slaves or persons as aforesaid shall also be forfeited, and the said slaves or persons shall and may be seized and prosecuted as herein-after is mentioned and provided.

Penalty for fitting out slave ships.

4. And be it further enacted, that (except in such special cases or for such special purposes as are in and by this Act permitted) if any persons shall fit out, man, navigate, equip, dispatch, use, employ, let or take to freight or on hire, or contract for the fitting out, manning, navigating, equipping, dispatching, using, employing, letting, or taking to freight or on hire, any ship, vessel, or boat, in order to accomplish any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful, such ship, vessel, or boat, together with all her boats, guns, tackle, apparel, and furniture, and together likewise with all property, goods, or effects found on board belonging to the owner or owners, part owner or part owners of any such ship, vessel, or boat, shall become forfeited, and may and shall be seized and prosecuted as herein-after is mentioned and provided.

Penalty for embarking capital in the slave trade.

5. And be it further enacted, that (except in such special cases or for such special purposes as are in and by this Act permitted) if any persons shall knowingly and wilfully lend or advance, or become security for the loan or advance, or shall contract for the lending or advancing, or becoming security for the loan or advance of money, goods, or effects, employed or to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful, then and in every such case the persons so offending and their procurers, counsellors, aiders, and abettors, shall forfeit and pay for every such offence double the value of all the money, goods, and effects so lent, advanced, or secured, or so contracted for as aforesaid, to be recovered and applied as is herein-after mentioned and provided.

Penalty for guaranteeing slave adventures.

6. And be it further enacted, that (except in such special cases or for such special purposes as are in and by this Act permitted) if any persons shall knowingly and wilfully become guarantee or security, or contract for the becoming guarantee or security for agents employed, or to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful, or shall in any other manner engage or contract to engage directly or indirectly therein, as a partner, agent, or otherwise, then and in every such case the persons so offending, and their

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procurers, counsellors, aiders, and abettors, shall forfeit and pay for every such offence double the value of all the money, goods, and effects so by them secured or contracted so to be as aforesaid, to be recovered and applied as is herein-after mentioned and provided.

Penalty for shipping goods to be employed in the slave trade.

7. And be it further enacted, that (except in such special cases or for such special purposes as are in and by this Act permitted), if any person shall knowingly and wilfully ship, tranship, lade, receive, or put on board, or contract for the shipping, transhipping, lading, receiving, or putting on board of any ship, vessel, or boat, any money, goods, or effects to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful, then and in every such case the persons so offending, and their procurers, counsellors, aiders, and abettors, shall forfeit and pay for every such offence double the value of all the money, goods, and effects so shipped, transhipped, laden, received, or put on board, or contracted so to be as aforesaid, to be recovered and applied as is herein-after mentioned and provided.

Penalty for insuring slave adventures.

8. And be it further enacted, that (except in such special cases or for such special purposes as are in and by this Act permitted) if any person shall knowingly and wilfully insure or contract for the insuring of any slaves, or any property or other subject-matter engaged or employed, or intended to be engaged or employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful, then and in every such case the person so offending, and their procurers, counsellors, aiders, and abettors, shall forfeit and pay for every such offence the sum of one hundred pounds of lawful money of Great Britain for every such insurance or contract for the same, and also treble the amount of the premium of any such insurance or contract for the same, the one moiety thereof to the use of his Majesty, his heirs and successors, and the other moiety to the use of any person who shall inform, sue, and prosecute for the same, and every such insurance shall be absolutely null and void.

Dealing in slaves on the high seas, &c. to be deemed piracy.

9. And be it further enacted, that if any subject or subjects of his Majesty, or any person or persons residing or being within any of the dominions, forts, settlements, factories, or territories now or hereafter belonging to his Majesty, or being in his Majesty's occupation or possession, or under the government of the United Company of Merchants of England trading to the East Indies, shall, except in such cases as are in and by this Act permitted, after the first day of January one thousand eight hundred and twenty-five, upon the high seas, or in any haven, river, creek, or place where the admiral has jurisdiction, knowingly and wilfully carry away, convey, or remove, or aid or assist in carrying away, conveying, or removing, any person or persons

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as a slave or slaves, or for the purpose of his, her, or their being imported or brought as a slave or slaves, into any island, colony, country, territory, or place whatsoever, or for the purpose of his, her, or their being sold, transferred, used, or dealt with as a slave or slaves, or shall, after the said first day of January one thousand eight hundred and twenty-five, except in such cases as are in and by this Act permitted, upon the high seas, or within the jurisdiction aforesaid, knowingly and wilfully ship, embark, receive, detain, or confine, or assist in shipping, embarking, receiving, detaining, or confining on board any ship, vessel, or boat, any person or persons for the purpose of his, her, or their being carried away, conveyed, or removed as a slave or slaves, or for the purpose of his, her, or their being imported or brought as a slave or slaves into any island, colony, country, territory, or place whatsoever, or for the purpose of his, her, or their being sold, transferred, used, or dealt with as a slave or slaves, then and in every such case the person or persons so offending shall be deemed and adjudged guilty of piracy, felony, and robbery, and being convicted thereof shall suffer death (1) without benefit of clergy, and loss of lands, goods, and chattels, as pirates, felons, and robbers upon the seas ought to suffer.

Persons dealing in slaves, or exporting or importing slaves;

10. And be it further enacted, that (except in such special cases as are in and by this Act permitted or otherwise provided for) if any persons shall deal or trade in, purchase, sell, barter, or transfer, or contract for the dealing or trading in, purchase, sale, barter, or transfer of slaves, or persons intended to be dealt with as slaves, or shall, otherwise than as aforesaid, carry away or remove, or contract for the carrying away or removing of slaves or other persons, as or in order to their being dealt with as slaves; or shall import or bring, or contract for the importing or bringing, into any place whatsoever, slaves or other persons, as or in order to their being dealt with as slaves; or shall, otherwise than as aforesaid, ship, tranship, embark, receive, detain, or confine on board, or contract for the shipping, transhipping, embarking, receiving, detaining, or confining on board of any ship, vessel, or boat, slaves or other persons, for the purpose of their being carried away or removed, as or in order to their being dealt with as slaves; or shall ship, tranship, embark, receive, detain, or confine on board, or contract for the shipping, transhipping, embarking, receiving, detaining, or confining on board of any ship, vessel, or boat, slaves or other persons, for the purpose of their being imported or brought into any place whatsoever, as or in order to their being dealt with as slaves; or shall fit out, man, navigate, equip, dispatch, use, employ, let, or take to freight, or on hire, or contract for the fitting out, manning, navigating, equipping,

or shipping slaves in order to exportation or importation;

or fitting out slave ships;

(1) The punishment was commuted by 7 Will. 4. c. 91. s. 1. to transportation for life, or for any term not less than 15 years, or to imprisonment with or without hard labour and with or without solitary confinement for any term not exceeding three years. By 20 & 21 Vict. c. 3. s. 2. the transportation has since been changed to penal servitude for the same term.

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dispatching, using, employing, letting, or taking to freight, or on hire, any ship, vessel, or boat, in order to accomplish any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful; or shall knowingly and wilfully lend or advance, or become security for the loan or advance, or contract for the lending or advancing, or becoming security for the loan or advance of money, goods, or effects, employed or to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful; or shall knowingly and wilfully become guarantee or security, or contract for the becoming guarantee or security, for agents employed or to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful, or in any other manner to engage, or to contract to engage, directly or indirectly therein, as a partner, agent, or otherwise; or shall knowingly and wilfully ship, tranship, lade, receive, or put on board, or contract for the shipping, transhipping, lading, receiving, or putting on board of any ship, vessel, or boat, money, goods, or effects to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful; or shall take the charge or command, or navigate, or enter and embark on board, or contract for the taking the charge or command, or for the navigating, or entering and embarking on board of any ship, vessel, or boat, as captain, master, mate, surgeon, or supercargo, knowing that such ship, vessel, or boat is actually employed, or is in the same voyage, or upon the same occasion, in respect of which they shall so take the charge or command, or navigate or enter and embark, or contract so to do as aforesaid, intended to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful; or shall knowingly and wilfully insure, or contract for the insuring of any slaves, or any property or other subject matter engaged or employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful; or shall wilfully and fraudulently forge or counterfeit any certificate, certificate of valuation, sentence, or decree of condemnation or restitution, copy of sentence or decree of condemnation or restitution, or any receipt (such receipts being required by this Act), or any part of such certificate, certificate of valuation, sentence or decree of condemnation or restitution, copy of sentence or decree of condemnation or restitution, or receipt as aforesaid; or shall knowingly and wilfully utter or publish the same, knowing it to be forged or counterfeited, with intent to defraud his Majesty, his heirs or successors, or any other person or persons whatsoever, or any body politic or corporate; then and in every such case the person or persons so offending, and their procurers, counsellors, aiders, and abettors, shall be and are hereby declared to be felons,

or embarking capital in the slave trade;

or guaranteeing slave adventures;

or shipping goods, &c. to be employed in the slave trade;

or serving on board slave ships as captain, master, &c., surgeon, &c.;

or insuring slave adventures;

or forging instruments relating to the slave laws,

declared guilty of felony, &c.

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and shall be transported beyond seas for a term not exceeding fourteen years, or shall be confined and kept to hard labour for a term not exceeding five years, nor less than three years, at the discretion of the court before whom such offender or offenders shall be tried and convicted.

Seamen, &c. serving on board such ships guilty of misdemeanor.

11. And be it further enacted, that (except in such special cases or for such special purposes as are in and by this Act expressly permitted) if any persons shall enter and embark on board, or contract for the entering and embarking on board of any ship, vessel, or boat, as petty officer, seaman, marine, or servant, or in any other capacity not herein-before specifically mentioned, knowing that such ship, vessel, or boat is actually employed, or is in the same voyage, or upon the same occasion, in respect of which they shall so enter and embark on board, or contract so to do as aforesaid, intended to be employed in accomplishing any of the objects, or the contracts in relation to the objects, which objects and contracts have herein-before been declared unlawful; then and in every such case the persons so offending, and their procurers, counsellors, aiders, and abettors, shall be, and they are hereby declared to be guilty of a misdemeanor only, and shall be punished by imprisonment for a term not exceeding two years.

Saving the option to sue for penalties in the Vice Admiralty Courts.

12. Provided always, and it is hereby further enacted and declared, that nothing in this Act contained, making piracies, felonies, robberies, and misdemeanors of the several offences aforesaid, shall be construed to repeal, annul, or alter the provisions and enactments in this Act also contained, imposing forfeitures and penalties, or either of them, upon the same offences, or to repeal, annul, or alter the remedies given for the recovery thereof; but that the said provisions and enactments, imposing forfeitures and penalties, shall in all respects be deemed and taken to be in full force, * * * * * * * * * *

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All securities given in contravention of this Act shall be void.

39. And be it further enacted, that every mortgage, bond, bill, note, or other security, made in or to accomplish any of the objects, or the contracts in relation to the objects, which objects and contracts have by this Act been declared unlawful, shall, except in the case of a bonâ fide purchaser or holder of any such of the said securities as are in their nature negociable, who may have purchased or obtained the same, without notice that the same were made or given for any such unlawful purposes, be void.

In what cases offenders shall be exempted.

40. Provided always, and be it further enacted, that if any person or persons offending as a petty officer, seaman, marine, or servant, against any of the provisions of this Act, shall, within two years after the offence committed, give information on oath, before any competent magistrate, against any owner or part owner, or any captain, master, mate, surgeon, or supercargo of any ship or vessel, who shall have committed any offence against this Act, and shall give evidence on oath against such owner or

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part owner, captain, master, mate, surgeon, or supercargo, before any magistrate or court before whom such offender may be tried; or if such person or persons so offending shall give information to any of his Majesty's ambassadors, ministers plenipotentiary, envoys, charges d'affaires, consuls, residents, or other agents, so that any person or persons owning such ship or vessel, or navigating or taking charge of the same, as captain, master, mate, surgeon, or supercargo, may be apprehended, such person or persons so giving information and evidence shall not be liable to any of the pains or penalties, under this Act, incurred in respect of his offence, and his Majesty's ambassadors, ministers plenipotentiary, envoys, charges d'affaires, consuls, residents, or other agents, are hereby required to receive any such information as aforesaid, and to transmit the particulars thereof, without delay, to one of his Majesty's principal secretaries of state, and to transmit copies of the same to the commanders of his Majesty's ships or vessels then being in the said port or place.

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Limitation of suit for penalties and for feitures.

47. And be it further enacted, that all actions, suits, bills, indictments, or informations, for the recovery of any of the penalties or forfeitures under this Act, may be commenced, had, brought, sued, exhibited, or prosecuted, at any time within five years after the offence committed, by reason whereof such penalty or forfeiture shall be incurred: Provided always, that where any slave or slaves have been, or shall at any time have been, illegally imported, nothing herein contained shall extend to prevent proceeding being commenced to obtain the condemnation or forfeiture thereof, but that the said slave or slaves so illegally imported shall and may be condemned and forfeited at any time after such illegal importation.

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6 George IV.—A.D. 1825.

CAP. XXII.

An Act to regulate the Qualification and the Manner of enrolling Jurors in Scotland, and of choosing Jurors on Criminal Trials there; and to unite Counties for the Purposes of Trial in Cases of High Treason in Scotland. [20th May 1825.]

Who shall be exempted from being returned or serving on juries.

2. Provided always, and be it enacted, that all peers, all judges of the supreme courts, including the judge admiral and commissaries of Edinburgh, all sheriffs and stewarts of counties or stewartries, all magistrates of royal burghs, all ministers of the established church, and all other ministers of religion, who shall have duly taken and subscribed the oaths and declaration required by law, and whose place of meeting shall be duly registered, and all parochial schoolmasters, also all advocates practising as members of the faculty of advocates, all writers

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to the signet practising as such, all solicitors practising before any of the supreme courts, all procurators practising before any inferior court, having severally taken out their annual certificates, all clerks or other officers of any court of justice actually exercising the duties of their offices, all gaolers or keepers of houses of correction, all professors in any university, all physicians and surgeons duly qualified as such, and actually practising, all officers in his Majesty's navy or army in full pay, all officers of customs or excise, all messengers at arms, and other officers of the law, shall be and are hereby freed and exempted from being returned,(1) and from serving upon juries.

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6 George IV.—A.D. 1825.

CAP. XXXVI.

An Act for enabling the Corporation of Pembroke to relinquish and convey to the Commissioners of His Majesty's Navy the Right of letting the Stalls, Sittings, and other Conveniences in the Market established in the Town of Pembroke Dock, and the Right to the Rents, Tolls, and Fees thereof. [10th June 1825.]

Power to enforce payment of the tolls and rents.

3. And be it further enacted, that it shall be lawful for the said principal officers and commissioners of his Majesty's navy,(2) and their successors in office, and they are hereby authorized and empowered, from and after the execution of such deed or deeds,(3) as aforesaid, to have, use, and enjoy the like remedies and means whatsoever for enforcing or securing the payment of the rents, payments, tolls, and fees which shall or may be conveyed as aforesaid, as the said mayor, bailiffs, and burgesses before the execution of such deed or deeds respectively might have had or used for the like purpose.

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6 George IV.—A.D. 1825.

CAP. LXXVIII.

An Act to repeal the several Laws relating to the Performance of Quarantine, and to make other Provisions in lieu thereof. [27th June 1825.]

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What vessels shall be liable to quarantine.

2. And be it enacted, that from and after the first day of June one thousand eight hundred and twenty-five, all vessels, as well his Majesty's ships of war as others, coming from or having

(1) *See*, as to England, 33 & 34 Vict. c. 77. s. 9., *post*.
See, as to Ireland, Juries Procedure (Ireland) Act, 1876 (39 & 40 Vict. c. 78.), ss. 1., 20., and first schedule, *post*.

(2) As to the commissioners of the navy, *see* 1 Will. 4. c. 40.

(3) *i.e.*, deeds conveying to the commissioners of the navy the right of letting stalls, sittings, &c.

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touched at any place from whence his Majesty, his heirs or successors, by and with the advice of his or their privy council, shall have adjudged and declared it probable that the plague or other infectious disease or distemper highly dangerous to the health of his Majesty's subjects may be brought, and all vessels and boats receiving any person, goods, wares, and merchandize, packets, packages, baggage, wearing apparel, books, letters, or any other article whatsoever, from or out of any vessel so coming from or having touched at such infected place as aforesaid, whether such persons, goods, wares, and merchandize, packets, packages, baggage, wearing apparel, books, letters, or other articles, shall have come or been brought in such vessels, or such persons shall have gone, or articles have been put on board the same, either before or after the arrival of such vessels at any port or place in the United Kingdom, or the islands of Guernsey, Jersey, Alderney, Sark, or Man, and whether such vessels were or were not bound to any port or place in the United Kingdom, or the islands aforesaid, and all persons, goods, wares, and merchandize, packets, packages, baggage, wearing apparel, books, letters, or any other articles whatsoever on board of any vessels so coming from or having touched at such infected place as aforesaid, or on board of any such receiving vessels or boats as aforesaid, shall be and be considered to be liable to quarantine within the meaning of this Act, and of any order or orders which shall be made by his Majesty, his heirs and successors, by and with the advice of his or their privy council, concerning quarantine and the prevention of infection, from the time of the departure of such vessels from such infected place as aforesaid, or from the time when such persons, goods, wares, merchandize, packets, packages, baggage, wearing apparel, books, letters, or other articles shall have been received on board respectively; and all such vessels and boats as aforesaid, and all persons (as well pilots as others), goods, wares, and merchandize, and all other articles as aforesaid, whether coming or brought in such vessels or boats from such infected place as aforesaid, or going or being put on board the same, either before or after the arrival of such vessels or boats at any port or place in the United Kingdom, or the islands aforesaid, and all persons, goods, wares, and merchandize, and other articles as aforesaid, on board such receiving vessel or boat as aforesaid, shall, upon their arrival at any such port or place, be obliged to perform quarantine in such place or places, for such time, and in such manner as shall from time to time be directed by his Majesty, his heirs or successors, by his or their order or orders in council, notified by proclamation, or published in the London Gazette; and that until such vessels and boats, persons, goods, wares, and merchandize, and other articles as aforesaid, shall have respectively performed, and shall be duly discharged from quarantine, no such person, goods, wares, or merchandize, or other articles as aforesaid, or any of them, shall, either before or after the arrival of such vessels or boats at any port or place

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in the United Kingdom, or the islands aforesaid, come or be brought on shore, or go and be put on board any other vessel or boat, in order to come or be brought on shore in any such port or place, although such vessels so coming from such infected place as aforesaid may not be bound to any port or place in the United Kingdom, or the islands aforesaid, unless in such manner and in such cases, and by such licence as shall be directed or permitted by such order or orders made by his Majesty, his heirs or successors, in council, as aforesaid; and all such vessels and boats, whether coming from such infected place as aforesaid, or being otherwise liable to quarantine, as aforesaid, and all persons (as well pilots as others), goods, wares, and merchandize, and other articles as aforesaid, whether coming or brought in such vessels or boats, or going or being put on board the same, either before or after the arrival of such vessels or boats at any port or place in the United Kingdom, or the islands aforesaid, and although such vessels or boats shall not be bound to any port or place in the United Kingdom, or the islands aforesaid; and all commanders, masters, or other persons having the charge or command of any such vessels or boats, whether coming from any infected place, or being otherwise liable to quarantine as aforesaid, shall be subject to all provisions, rules, regulations, and restrictions contained in this Act, or in any order or orders which shall be made by his Majesty, his heirs and successors, in council, as aforesaid, concerning quarantine and the prevention of infection, and to all the pains, penalties, forfeitures, and punishments contained in this Act, for any breach or disobedience thereof, or of any order or orders of his Majesty in council made under the authority thereof.

Power for privy council to order vessels coming from America or the West Indies, when the yellow fever, &c. prevails there, to go to certain places without being liable to quarantine.

3. And be it further enacted, that it shall and may be lawful for his Majesty, his heirs and successors, by his or their order in council, or for the lords or others of his or their privy council, or any two or more of them, by their order from time to time, as often as they may see reason to apprehend that the yellow fever or other highly infectious distemper prevails on the continent of America, or in the West Indies, to require that every vessel coming from or having touched at any port or place on the continent of America or in the West Indies, shall come to an anchor at certain places to be appointed from time to time by the commissioners of his Majesty's customs (who are hereby authorized to make such appointment), for the purpose of having the state of health of the crew of such vessel ascertained before such vessel shall be permitted to enter the port whereto she shall be bound, or any other port of the United Kingdom; but that such vessel shall not be deemed liable to quarantine unless it shall be afterwards specially ordered under that restraint.

Power to lord lieutenant, where the

4. Provided always, and be it enacted, that it shall and may be lawful for the lord lieutenant, or other chief governor or

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governors of Ireland, by his or their order or orders, made by the advice and consent of his Majesty's privy council in Ireland, and notified by proclamation, to give directions, where the urgency of the case shall require, as to the place or places, and as to the time and manner in which ships and vessels ariving, and persons, goods, and merchandizes coming or imported into any port or place in Ireland, shall make their quarantine, in pursuance of the provisions of this Act; and that until such ships, vessels, persons, goods, and merchandizes shall have respectively performed and been discharged from such quarantine, pursuant to the provisions of this Act, it shall and may be lawful for any such persons, goods, or merchandizes, or any of them to come or be brought on shore, or to go or be put on board any other ship or vessel in any place in Ireland in such cases, and by such licence as shall or may be directed or permitted by any order or orders to be made by the lord lieutenant, or other chief governor or governors of Ireland, by the advice and consent of the privy council there, and notified as aforesaid; and that all such ships and vessels, and the persons or goods coming or imported in, or going and being put on board such ships or vessels, and all ships, vessels, boats, and persons receiving any goods or persons out of the same, and all persons going on board any such ship or vessels, shall be subject to such orders, rules, and directions concerning quarantine and the preventing infection, as shall be made from time to time by the lord lieutenant or other chief governor or governors of Ireland in council, and shall be notified by proclamation as aforesaid, in pursuance of the provisions contained in this Act; and that the publication in the Dublin Gazette of any order or orders of the lord lieutenant or other chief governor or governors and council, made in pursuance of this Act, shall be deemed and taken to be sufficient notice to all persons concerned, of all matters contained in any such order or orders respectively.

urgency of the case requires, to give directions, by proclamation, where vessels shall perform quarantine, &c.

5. And whereas certain sorts of goods and merchandize are more especially liable to retain infection, and may be brought from places infected into other countries, and from thence imported into the United Kingdom, or the islands aforesaid: Be it enacted, that all such goods and merchandize as shall be particularly specified for that purpose in any order or orders made by his Majesty, his heirs or successors in council, concerning quarantine and the prevention of infection as aforesaid, which shall be brought or imported into any port or place in the United Kingdom, or the islands aforesaid, from any foreign country or place, in any vessel whatever, and the vessels in which the same shall be brought, and also all vessels which shall arrive from any port or place whatever, under any alarming or suspicious circumstances as to infection, shall be subject and liable to such regulations and restrictions as shall be made by such order or orders of his Majesty, his heirs or successors, in council as aforesaid, respecting the same.

Goods and vessels specified in any order of council subject to quarantine, as also all vessels arriving from any port under suspicious circumstances as to infection.

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The privy council may make such order as they shall think necessary upon emergencies.

6. And be it further enacted, that it shall and may be lawful for the lords and others of his Majesty's privy council, or any two or more of them, to make such order as they shall see necessary and expedient upon any unforeseen emergency, or in any particular case or cases, with respect to any vessel arriving and having any infectious disease or distemper on board, or on board of which any infectious disease or distemper may have appeared in the course of the voyage, or arriving under any other alarming or suspicious circumstances as to infection, although such vessels shall not have come from any place from which his Majesty, his heirs or successors, by and with the advice of his privy council, may have adjudged and declared it probable that the plague or any such infectious disease or distemper may be brought, and also with respect to the persons, goods, wares, and merchandize, and other articles as aforesaid, on board the same, and in case of any infectious disease or distemper appearing or breaking out in the United Kingdom, or the islands aforesaid, to make such orders and give such direction, in order to cut off all communication between any persons infected with any such disease or distemper, and the rest of his Majesty's subjects, as shall appear to the said lords or others of his Majesty's privy council, or any two or more of them, to be necessary and expedient for that purpose, and likewise to make such orders as they shall see fit, for shortening the time of quarantine to be performed by particular vessels or particular persons, goods, wares, merchandize, or any other articles, or for absolutely or conditionally releasing them or any of them from quarantine; and all such orders so made by the lords or others of the privy council, or any two or more of them as aforesaid, shall be as good, valid, and effectual to all intents and purposes, as well with respect to the commander, master, or other person having the charge of any vessel, and all other persons on board the same, as with respect to any other persons having any intercourse or communication with them, and to the penalties, forfeitures, and punishments to which they may respectively become liable, as any order or orders made by his Majesty, his heirs or successors, by and with the advice of his or their privy council, concerning quarantine, notified by proclamation or published in the London Gazette.

Regulations for vessels in which infection shall appear within or without the Streights of Gibraltar.

7. And be it further enacted, that if the plague or such other infectious disease or distemper as aforesaid shall appear on board any vessel within or without the Streights of Gibraltar, then the commander, master, or other person having the charge or command thereof, shall immediately proceed to such place as his Majesty, his heirs or successors, by and with the advice of his or their privy council, shall from time to time direct and appoint; where being arrived, he shall make known his case to some officer of the customs there, who shall with all possible speed send intelligence thereof to the commissioners of the customs in the port of London, to the end that such precautions

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may be used to prevent the spreading of the infection, as the case shall require; and the said vessel shall there remain until directions shall be given thereto by the lords or others of his Majesty's privy council, or any two or more of them; nor shall any of the crew or passengers on board thereof go on shore; and such master and every other person on board such vessel shall obey such directions as he shall receive from the lords and others of his Majesty's privy council, or any two or more of them as aforesaid; and the said commander, master, or any other person on board such vessel as aforesaid, who shall not act conformably to the provisions and regulations herein directed, or shall act in disobedience to such directions as shall be received on board such vessel from the lords or others of the privy council, or any two or more of them as aforesaid, shall forfeit the sum of one hundred pounds.

Masters of vessels liable to quarantine to make signals on meeting other vessels at sea, or being within two leagues of the United Kingdom, or Guernsey, &c., on penalty of 100*l.*

8. And be it further enacted, that every commander, master, or other person having the charge of any vessel liable to the performance of quarantine, shall be and is hereby required at all times when such vessel shall meet with any other vessel at sea, or shall be within two leagues of the coast of the United Kingdom, or the islands of Guernsey, Jersey, Alderney, Sark, or Man, to hoist a signal to denote that his vessel is liable to the performance of quarantine, which signal shall be in the day-time, if the vessel shall have a clean bill of health, a large yellow flag of six breadths of bunting, at the maintop mast-head, and if such vessel shall not have a clean bill of health, then a like yellow flag with a circular mark or ball entirely black in the middle thereof, whose diameter shall be equal to two breadths of bunting; and in the night-time the signal shall in both cases be a large signal lanthorn with a light therein (such as is commonly used on board his Majesty's ships of war), at the same mast-head; and such commander, master, or other person shall keep such signals respectively, as the case shall be, hoisted during such time as the said vessel shall continue within sight of such other vessel, or within two leagues of the said coasts or islands, and while so in sight, or within such distance, until such vessel so liable to quarantine as aforesaid shall have arrived at the port or place where it is to perform quarantine, and until it shall have been legally discharged from the performance thereof; on failure whereof such commander, master, or other person having charge of such ship or vessel so liable to the performance of quarantine shall forfeit and pay for every such offence the sum of one hundred pounds.

Masters of vessels to hoist certain signals when plague or infectious disease on board, on penalty of 100*l.*

9. And be it further enacted, that every commander, master, or other person having the charge of any vessel on board whereof the plague or other infectious disease or distemper highly dangerous to the health of his Majesty's subjects shall actually be, shall be and is hereby required at all times when such vessel shall meet with any other vessel at sea, or shall be within two leagues of the coast of the United Kingdom or the islands of

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Guernsey, Jersey, Alderney, Sark, or Man, to hoist a signal to denote that his vessel has the plague or other infectious disease or distemper highly dangerous to the health of his Majesty's subjects actually on board thereof, which signal shall be in the day-time a flag of yellow and black, borne quarterly, of eight breadths of bunting, at the maintop mast-head; and in the night-time the signal shall be two large signal lanthorns, such as are commonly used on board of his Majesty's ships of war, one over the other, at the same mast-head; and such commander, master, or other person shall keep such signal hoisted during such time as the said vessel so having the plague or such other infectious disease or distemper as aforesaid on board thereof shall continue within sight of such other vessel, or within two leagues of the coasts or islands aforesaid, while so in sight or within such distance, until such vessel so having the plague or such other infectious disease or distemper as aforesaid on board thereof shall have arrived at the port or place where it is to perform quarantine, and until it shall have been legally discharged from the performance thereof; on failure thereof such commander, master, or other person having charge of such vessel shall forfeit and pay for every such offence the sum of one hundred pounds.

Penalty on persons hoisting signals when not liable, 50*l.*

10. And be it further enacted, that if any commander, master, or other person having the charge or command of any vessel, and knowing that the same is not liable to the performance of quarantine, shall hoist such signal as aforesaid, or either of them, by day or night respectively, such commander or other person as aforesaid shall forfeit and pay the sum of fifty pounds.

Masters of vessels on their arrival from foreign parts, to give to the pilots an account of the places at which they shall have loaded and touched on penalty of 100*l.*

11. And be it further enacted, that from and after the first day of July one thousand eight hundred and twenty-five, as to all vessels arriving from any places beyond the Cape of Good Hope or Cape Horn in South America, and after the first day of August one thousand eight hundred and twenty-five, as to all vessels arriving from any parts of Africa or America not beyond those capes, and from the West Indies and Mediterranean, and from and after the first day of June one thousand eight hundred and twenty-five, as to all vessels arriving from any other places, every commander, master, or other person having the charge of any vessel coming from foreign parts, shall give to the pilot who shall go on board such vessel a written paper containing a true account of the names of the place and country at which such vessel shall have loaded, and also of all the places at which any such vessel shall have touched on the homeward voyage, on pain of forfeiting the sum of one hundred pounds for any neglect or refusal to give such paper, or for any false representation or wilful omission therein; and if by any proclamation or order of his Majesty in council, made after the departure of any vessel from the United Kingdom and the said islands, and then in force, vessels coming from any place mentioned in any such paper shall be liable to the performance of quarantine, such pilot shall immediately give

Pilots to give notice of any proclamation or order in council requiring the performance of

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notice thereof to the commander or other person aforesaid of such vessel, on pain of forfeiting the sum of one hundred pounds for any neglect therein; and such commander or other person shall thereupon hoist a proper signal, according to the provisions of this Act, and under the penalties in this Act contained for any neglect or refusal in respect of hoisting such signals. quarantine, on penalty of 100*l.*

12. And be it further enacted, that every commander, master, or other person having the charge of any vessel coming from foreign parts which shall not be liable to quarantine in respect of the place from whence such vessel comes, shall give to the pilot who shall go on board of such vessel a written paper containing a true account of the different articles composing the cargo of such vessel, on pain of forfeiting the sum of fifty pounds for any neglect or refusal to give such paper, or for any false representation or wilful omission therein; and if by any proclamation or order of his Majesty in council then in force, vessels having on board any of the articles mentioned in such paper shall be liable to the performance of quarantine, such pilot shall immediately give notice thereof to the commander or other person having the charge of such vessel, on pain of forfeiting one hundred pounds for any neglect therein, and such commander or other person shall thereupon hoist a signal, according to the provisions and under the respective penalties in this Act contained, for any neglect or refusal in respect of hoisting such signals; and in case any pilot shall bring or cause to be brought or conducted any vessel liable to the performance of quarantine into any place which is not or shall not be specially appointed for the reception of vessels so liable, after receiving such paper as aforesaid, whereby it shall have been made appear that such vessel was liable to the performance of quarantine, or without requiring and receiving such paper as aforesaid, unless compelled thereto by stress of weather, adverse winds, or accidents of the sea, such pilot shall for every such offence forfeit and pay the sum of two hundred pounds. Pilot to give notice if any articles be on board liable to quarantine, on penalty of 100*l.* Penalty on pilots conducting vessels to any other place than that appointed for their reception, 200*l.*

13. And be it further enacted, that if any pilot being on board, or any commander, master, or other person having the charge of any vessel coming from foreign parts, whether such vessel shall be liable to quarantine or not, shall be required by any officer of the customs authorized to act in the service of quarantine, to bring to such vessel, to the end that the commander, master, or other person having the charge thereof may be interrogated, according to the provision of this Act, and shall neglect or refuse to bring to such vessel, as soon as it can be done with safety in obedience to such requisition, every such pilot, commander, master, or other person having the charge of any such vessel shall for every such offence forfeit and pay the sum of one hundred pounds. Pilot to bring to at request of officer of customs, on penalty of 100*l.*

14. And to the end that it may be better known whether any vessel be actually infected with the plague or other infectious For better ascertaining whether ves-

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sels be actually infected, or the persons on board liable to orders touching quarantine.

disease or distemper as aforesaid, or whether such vessel, or the mariners or passengers coming, or the cargo imported in the same, are liable to any orders touching quarantine, be it further enacted, that when any country or place shall be known or suspected to be infected with the plague or other infectious disease or distemper as aforesaid, or when any order or orders shall be made by his Majesty in council concerning quarantine and the prevention of infection as aforesaid, then and in such case, as often as any vessel shall attempt to enter into any port or place in the United Kingdom, or of the isles of Guernsey, Jersey, Alderney, Sark, or Man, whether such port shall have been appointed for the performance of quarantine or not, the superintendent or assistant at such port or place, or if not, the principal officer of his Majesty's customs at such port or place, or such officer of the customs as shall be authorized to act in that behalf, shall go off to such vessel, and shall at a convenient distance from such vessel, demand of the commander, master, or other person having charge of such vessel, and such commander, master, or other person shall, upon such demand, give a true answer in writing or otherwise, and upon oath or not upon oath, according as he shall by such superintendent or his assistant, or other officer of the customs authorized as aforesaid, be required, to all such questions or interrogatories as shall be put to him by virtue and in pursuance of such regulations and directions as his Majesty by order in council shall be pleased to prescribe; and in case such commander or master or other person having charge of such vessel shall upon such demand made as aforesaid, refuse to make a true discovery in any of the particulars concerning which he shall be interrogated in manner aforesaid, or in case he shall not be required to answer such questions or interrogatories upon oath, shall give a false answer to any such question or interrogatory as aforesaid, such commander, master, or other person having charge of such vessel for every such offence shall forfeit and pay the sum of two hundred pounds.

Masters of vessels refusing to answer interrogatories, &c. to forfeit 200*l*.

Vessels subject to quarantine arriving at any port than that at which it ought to be performed, may be forced to repair to the appointed place.

15. And be it further enacted, that in case it shall appear upon such examination or otherwise, that such vessel is under such circumstances as shall render it liable to perform quarantine, and that the port or place where it so arrived, or at which it attempts to enter as aforesaid, is not the port or place where it ought to perform quarantine, in which case it shall and may be lawful to and for the officers of any of his Majesty's ships of war, or of any of his Majesty's forts or garrisons, and all other his Majesty's officers, upon notice thereof given to them, or any of them respectively, and to and for any other person or persons whom they shall call to their aid and assistance, and such officers and other persons are hereby required to oblige such vessel to go and repair to such place as hath been or shall be appointed for performance of quarantine, and to use all necessary means for that purpose, either by firing of guns upon such vessel, or by any other kind of necessary force whatsoever; and in case any

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such vessel shall come from, or shall have touched at any place infected by the plague or such other infectious disease or distemper as aforesaid, or shall have any person on board actually infected with the plague or other such infectious disease or distemper as aforesaid, and the commander, master, or other person having charge of such vessel, knowing that the place from whence he came, or at which he had touched as aforesaid, was infected with the plague or such other infectious disease or distemper, or knowing some person on board to be actually infected with the plague or such other infectious disease or distemper as aforesaid, shall refuse or omit to disclose the same upon such examination as aforesaid, or shall wilfully omit to hoist the signal herein-before directed, to denote that his vessel is liable to the performance of quarantine, at the times and on the occasions herein directed with respect to the same, such commander, master, or other person having charge of such vessel shall forfeit the sum of three hundred pounds.

Masters of vessels that have touched at infected places, &c. omitting to disclose the same, or omitting to hoist the prescribed signal, to forfeit 300*l.*

16. And be it further enacted, that every commander, master, or other person having charge of any vessel which shall be ordered to perform quarantine as aforesaid, shall forthwith, after his arrival at the place appointed for the performance of quarantine, deliver on demand to the superintendent of quarantine or his assistant, or other officer of the customs, authorized to act in that behalf, and which superintendent, assistant, or other officer as aforesaid is hereby required to make such demand, his bill of health and manifest, together with his log book and journal, under pain of forfeiting the sum of one hundred pounds if he shall wilfully refuse or neglect so to do.

Commanders to deliver up bills of health, manifests, and log book, to the superintendent of quarantine, on penalty of 100*l.*

17. And be it further enacted, that if any commander, master, or other person having charge of any vessel liable to perform quarantine, and on board of which the plague or other infectious disease or distemper shall not then have appeared, shall himself quit, or shall knowingly permit or suffer any seaman or passenger coming in such vessel to quit such vessel by going on shore, or by going on board any other vessel or boat, before such quarantine shall be fully performed, unless by such license as shall be granted by virtue of any order in council to be made concerning quarantine as aforesaid, or in case any commander or other person having charge of such vessel shall not, within a convenient time after due notice given for that purpose, cause such vessel and the lading thereof to be conveyed into the place or places appointed for such vessel and lading to perform quarantine; then and in every such case every such commander, master, or other person as aforesaid, for every such offence shall forfeit and pay the sum of four hundred pounds; and if any such person coming in any such vessel liable to quarantine (or any pilot or other person going on board the same, either before or after the arrival of such vessel at any port or place in the United Kingdom, or the islands aforesaid), shall, either before or after such arrival, quit such vessel, unless by such license as

Penalty on masters, &c. quitting vessels, or permitting persons to quit them, or not conveying same to the appointed places, 400*l.*

Penalty on persons coming in such vessels, or going on board, and quitting them before discharged from

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quarantine, to suffer imprisonment for six months, and forfeit 300*l.*

aforesaid, by going on shore in any port or place in the United Kingdom, or the islands aforesaid, or by going on board any other vessel or boat, with intent to go on shore as aforesaid, before such vessel so liable to quarantine as aforesaid shall be regularly discharged from the performance thereof, it shall and may be lawful for any person whatsoever, by any kind of necessary force, to compel such pilot or other person so quitting such vessel so liable to quarantine to return on board the same; and every such pilot or other person so quitting such vessel so liable to quarantine shall for every such offence suffer imprisonment for the space of six months, and shall forfeit and pay the sum of three hundred pounds.

For punishing disobedience or refractory behaviour in persons under or liable to quarantine, or persons having intercourse with them.

18. And whereas disobedience or refractory behaviour in persons under quarantine or liable to the performance of quarantine, or in other persons who may have had any intercourse or communication with them, may be attended with very great danger to his Majesty's subjects: Be it further enacted, that all persons liable to perform quarantine, and all persons having had any intercourse or communication with them, whether in vessels or in a lazaret or elsewhere, shall be subject, during the said quarantine, or during the time they shall be liable to quarantine, to such orders as they shall receive from the superintendent of quarantine, or his assistant, or from the principal officer of the customs at any port or place where there is no such superintendent or assistant, or from any other officer of the customs authorized to act in that behalf, and the said officers are hereby empowered and required to enforce all necessary obedience to the said orders, and in case of necessity to call in others to their assistance, and all persons so called in are hereby required to assist accordingly; and such officers shall and they are hereby empowered and required to compel all persons liable to perform quarantine as aforesaid, and persons having had any intercourse or communication with them, to repair to such lazaret, vessel, or place, and to cause all goods, wares, and merchandize, and other articles comprised within any such orders to be made as last aforesaid, to be conveyed to such lazaret, vessel, or place duly appointed in that behalf, in such manner and according to such directions as shall be made by order of his Majesty in council as aforesaid, or of the lords or others of the privy council, or of any two or more of them; and if any person or persons liable to perform quarantine as aforesaid, or any person or persons having had any intercourse or communication with him, her, or them, shall wilfully refuse or neglect to repair forthwith, when required and directed so to do by such officers as aforesaid, to the said lazaret, vessel, or place duly appointed in that behalf, or having been placed in the said lazaret, vessel, or place, shall escape or attempt to escape out of the same before quarantine duly performed, it shall and may be lawful to and for the said quarantine officers, and also the watchmen and other persons appointed to see quarantine performed, and each of them, and they are hereby

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respectively required, by such necessary force as the case shall require, to compel every such person so refusing or neglecting as aforesaid, and every such person so escaping or attempting to escape as aforesaid, to repair or return to such lazaret, vessel, or place so appointed as aforesaid; and every person so refusing or neglecting to repair forthwith as aforesaid to the said lazaret, vessel, or place, and also every person actually escaping as aforesaid, shall forfeit the penalty of two hundred pounds.

Persons refusing to repair to the lazaret or vessel, to forfeit 200*l.*

19. And be it further enacted, that it shall be lawful for any constable, headborough, tithingman, or other peace officer, or any other person, to seize and apprehend any person that shall, contrary to the provisions of this Act, have quitted or come on shore from any vessel liable to perform quarantine, or who shall have escaped from or quitted any vessel under quarantine, or from any lazaret, vessel, or place appointed in that behalf, for the purpose of carrying such person before any justice of the peace or magistrate; and it shall be lawful for any such justice of the peace or magistrate to grant his warrant for the apprehending and conveying of any such person to the vessel from which he or she shall have come on shore, or to any vessel performing quarantine, or lazaret, from which he or she shall have escaped, or for the confining of any such person in any such place of safe custody (not being a public gaol), and under such restrictions as to having any communication with any other persons, as may in the discretion of any justice of the peace or magistrate (calling to his aid, if he shall see fit, any medical person) appear to be proper, until such person can be safely and securely conveyed to some place appointed for the perfomance of quarantine, or until directions can be obtained from the privy council as to the disposal of any such person, and to make any further order, or grant any further warrant that may be necessary in that behalf.

Persons quitting vessels liable to perform quarantine, &c. may be seized.

20. And whereas it may be necessary for the public security to prevent all communication whatever with vessels performing quarantine: Be it therefore further enacted, that it shall and may be lawful to and for his Majesty, his heirs or successors, by his or their order or orders in council, notified by proclamation or published in the London Gazette, to prohibit all persons, vessels, and boats whatsover, from going, under any pretence whatsoever, within the limits of any station which by any order or orders in council as aforesaid has been or may be assigned for the performance of quarantine; and if any person whatsoever, after such notification or publication of any such order or orders in council, shall presume, under any pretence whatsoever, to go with any vessel or boat within the limits of any such station, he or she shall for every such offence forfeit and pay the sum of two hundred pounds.

Intercourse with stations allotted for quarantine of vessels, may be prohibited by order in council.

21. And be it further enacted, that if any officer of his Majesty's customs, or any other officer or person whatsoever, to

Penalty on persons embezzling goods,

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performing quarantine, neglecting or deserting their duty, or permitting persons, vessels, &c. to depart without authority, or giving false certificates or damaging goods.

whom it doth or shall appertain to execute any order or orders made or to be made concerning quarantine, or the prevention of infection, and notified as aforesaid, or to see the same put in execution, shall knowingly and wilfully embezzle any goods or articles performing quarantine, or be guilty of any other breach or neglect of his duty in respect of the vessels, persons, goods, or articles performing quarantine, every such officer or person so offending shall forfeit such office or employment as he may be possessed of, and shall become from thence incapable to hold or enjoy the same, or to take a new grant thereof; and every such officer and person shall forfeit and pay the sum of two hundred pounds; and if any such officer or person shall desert from his duty when employed as aforesaid, or shall knowingly and willingly permit any person, vessel, goods, or merchandize to depart or be conveyed out of the said lazaret, vessel, or other place as aforesaid, unless by permission under an order of his Majesty, by and with the advice of his privy council, or under an order of two or more of the lords or others of his privy council; or if any person hereby authorized and directed to give a certificate of a vessel having duly performed quarantine or airing, shall knowingly give a false certificate thereof, every such person so offending shall be guilty of felony; and if any such officer or person shall knowingly or wilfully damage any goods performing quarantine under his direction, he shall be liable to pay one hundred pounds damages, and full costs of suit to the owner of the same.

Vessels from the Mediterranean, Turkey, or Africa, having undergone examination and released from quarantine, to be admitted to entry upon producing a certificate of such examination.

22. And be it further enacted, that if any vessel arriving from the Mediterranean, or from any port in Turkey or Africa, shall have undergone examination by the proper officer of quarantine, and upon a report of such examination being made to the lords or others of his Majesty's privy council, their lordships shall think proper to direct the release of such vessel from the performance of quarantine, it shall be lawful for such officer and he is hereby required to grant to the master or person having the charge or command of such vessel, a certificate in writing of such examination and release, and upon the production of such certificate to the collector or principal officer of his Majesty's customs, at any port in the United Kingdom, such vessel shall be admitted to entry without being liable to any further restraint.

After proof of performance of quarantine, and proper certificate of that effect, vessels or persons shall not be liable to further detention.

23. And be it further enacted, that after quarantine shall have been duly performed by any vessel, person or persons, obliged to perform quarantine as aforesaid, according to this Act, and to such order or orders made as aforesaid, and upon proof to be made by the oaths of the master or other person having charge of such vessel, and of three or more of the persons belonging thereto, or upon proof to be made by the oaths of two or more credible witnesses, before the collector or principal officer of the customs at the port where such quarantine shall be performed, or at the port nearest thereto, or before the superin-

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tendent of quarantine, or his assistant at the quarantine station, or before any justice of the peace living near to the port or place, or when such quarantine shall have been performed within any of the said isles of Guernsey, Jersey, Alderney, Sark, or Man, before any two jurats or magistrates of any of the said isles respectively, that such vessel, and all and every such person and persons respectively, have duly performed quarantine as aforesaid, and that the vessel and all and every person and persons are free from infection, and after producing a certificate to that purpose, signed by the chief officer who superintended the quarantine of the said vessel, or person acting for him, then and in the said respective cases such collector or principal officer of the customs, or the superintendent of quarantine, or his assistant, or such justice of the peace, or such jurats or magistrates as aforesaid, respectively are hereby required to give a certificate thereof, and thereupon such vessel, and all and every such person or persons so having performed quarantine, shall be liable to no further restraint or detention upon the same account, for which such vessel, person or persons, shall have performed quarantine as aforesaid.

Goods liable to perform quarantine shall be opened and aired, as directed by order in council, and proof thereof to be made, &c.

24. And be it further enacted, that all goods, wares, and merchandize, and other articles liable to quarantine as aforesaid, shall be opened and aired in such place or places, and for such time and in such manner as shall be directed by his Majesty, his heirs and successors, by such order or orders to be made as aforesaid, and after such orders shall have been duly complied with, proof thereof shall be made by the oaths of the master of the lazaret or vessel in which the goods, wares, and merchandize and all other articles shall have been opened and aired, and of one of the guardians, or if there be no guardians, then one of the officers authorized by the commissioners of customs to act in the service of quarantine in such lazaret or vessel, or if there be no such officer, then by the oaths of two or more credible witnesses serving in the said lazaret or vessel, before the superintendent of quarantine or his assistant, in case such opening and airing shall be had at a port or place where such superintendent or assistant shall be established, or otherwise before the principal officer of the customs authorized to act in the service of quarantine at such port or place, which oath such superintendent, assistant, or principal officer is hereby authorized to administer; and such superintendent, assistant, or principal officer, as the case may be, shall grant a certificate of such proof having been made, and upon production of such certificate to the proper officer of the customs, such goods, wares, and merchandizes, and other articles, shall be liable to no further restraint or detention, either at the port or place where such quarantine shall have been performed, or at any other place whereto they be afterwards conveyed.

Persons forging or uttering false certificates re-

25. And be it further enacted, that if any person shall knowingly or wilfully forge or counterfeit, interline, erase, or alter, or procure to be forged or counterfeited, interlined, erased,

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quired by order in council, guilty of felony.

or altered, any certificate directed or required to be granted by any order of his Majesty, his heirs or successors in council, now in force or hereafter to be made touching quarantine, or shall publish any such forged or conterfeited, interlined, erased, or altered certificate, knowing the same to be forged or counterfeited, interlined, erased, or altered, or shall knowingly and wilfully utter and publish any such certificate with intent to obtain the effect of a true certificate to be given thereto, knowing the contents of such certificate to be false, he or she shall be guilty of felony.

Penalty on persons landing goods, &c. from vessels liable to perform quarantine, or receiving them, or secreting them from vessels performing quarantine, 100*l.*

26. And be it further enacted, that if any person shall land or unship, or shall move in order to the landing or unshipping thereof, any goods, wares, or merchandize, packets, packages, baggage, wearing apparel, books, letters, or other articles from on board any vessel liable to perform quarantine as aforesaid, or shall knowingly receive the same after they have been so landed or unshipped, every such person shall forfeit and pay the sum of five hundred pounds; and if any person or persons shall clandestinely convey or secrete, or conceal for the purpose of conveying any letters, goods, wares, or merchandize, or other articles as aforesaid, from any vessel actually performing quarantine, or from the lazaret or other place where such goods, wares, merchandize, or other articles as aforesaid shall be performing quarantine, every such person so offending as last aforesaid shall forfeit the sum of one hundred pounds.

His Majesty in certain cases may prohibit vessels under 100 tons from sailing until bond be given by the master with certain conditions.

27. And be it further enacted, that in case it shall at any time happen that any part of the United Kingdom, or the islands of Guernsey, Jersey, Alderney, Sark, or Man, or France, Spain, or Portugal, or the Low Countries, shall be infected with the plague, or any other infectious disease or distemper as aforesaid, it shall and may be lawful to and for his Majesty, his heirs and successors, by his or their proclamation, to prohibit or restrain all vessels and boats under the burthen of one hundred tons from sailing or passing out of any port or place of the United Kingdom, or the isles of Guernsey, Jersey, Alderney, Sark, or Man, or any of them, until security be first given by the master of every such vessel or boat respectively, to the satisfaction of the principal officers of the customs, or the chief magistrate of the port or place from whence such vessel or boat shall sail, by bond taken by such officer or magistrate, to the King, his heirs or successors, with sufficient sureties in the penalty of two hundred pounds, with condition, that if such vessel or boat shall not go to or touch at any country, port, or place to be mentioned for that purpose in such proclamation, and if neither the master or other person having charge of such vessel or boat, nor any mariner or passenger in such vessel or boat, shall, during the time aforesaid, go on board any other vessel at sea, and such master or other person having charge of such vessel or boat shall not permit or suffer any person or persons to come on board such vessel or boat at sea from any other vessel, and

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shall not during the time aforesaid receive any goods or merchandize whatsoever out of any other vessel, then such bond shall be void; for the making of which bond no fee or reward whatsoever shall be taken; and in case any vessel or boat for which such security shall be required by such proclamation shall set sail or pass out of any port or place of the United Kingdom, or the islands of Guernsey, Jersey, Alderney, Sark, or Man, or any of them respectively, before security be given as aforesaid, every such vessel or boat so sailing or passing out of any port or place contrary to the true intent and meaning of this Act, together with her tackle, apparel, and furniture, shall be forfeited to his Majesty, his heirs and successors, and the master of and every mariner sailing in such vessel or boat shall severally forfeit and pay the sum of two hundred pounds.

Penalty for sailing without giving such security, forfeiture of vessel, &c.

28. And be it further enacted, that the consuls and vice-consuls of his Majesty, his heirs and successors, shall and are hereby empowered to administer oaths in all cases respecting quarantine, in like manner as if they were magistrates of the several towns or places where they respectively reside.

Power to consuls, &c. to administer oaths.

29. And be it further enacted, that in all cases wherein by virtue of this Act, or any other Act hereafter to be made touching quarantine, any examination or answer shall be taken or made upon oath, the person who shall be authorized and required to take such examinations and answers shall and may be deemed to have full power and authority to administer such oaths; and if any person who shall be interrogated or examined shall wilfully swear falsely to any matter concerning which such person shall depose or make oath on such examination, or in such answer, or if any person shall procure any other person so to do, he or she so swearing falsely, or procuring any other person so to do, shall be deemed to have been guilty of and shall be liable to be prosecuted for perjury or subornation of perjury, as the case may be, and shall suffer the pains, penalties, and punishments of the law in such case respectively made and provided.

Persons authorized to take examinations may administer oaths, and persons swearing falsely or procuring others so to do shall be deemed guilty of perjury.

30. And be it further enacted, that all superintendents of quarantine at the several ports, and their assistants, shall and may be appointed by any instrument signed by the commissioners of customs for the time being; and everything required to be done and performed by the superintendent of quarantine, or his assistant, may, in case of the absence or sickness of such superintendent or assistant, be done and performed by such principal officer of the customs as shall be authorized to act in that behalf.

Superintendents at ports to be appointed.

Principal officer of the customs to act as superintendent of quarantine in case of absence, &c.

31. And be it further enacted, that the publication in the London Gazette of any order in council, or of any order by any two or more of the Lords or others of his Majesty's privy council, made in pursuance of this Act, or his Majesty's royal proclamation

Publication in the London Gazette of orders of council, &c. sufficient notice.

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made in pursuance of the same, shall be deemed and taken to be sufficient notice to all persons concerned of all matters therein respectively contained.

Recovery and application of penalties.

32. And be it further enacted, that all forfeitures and penalties that shall be incurred by reason of any offence committed against this Act shall and may be recovered by suit in any of his Majesty's courts of record in England or Ireland, in which no essoign or wager of law, or more than one imparlance, shall be granted, or in Scotland by summary action in the court of session, or by prosecution before the court of justiciary there, or by suit in any of his Majesty's courts in the islands of Guernsey, Jersey, Alderney, Sark, or Man; and every such forfeiture and penalty shall belong and be given, two thirds to the person who shall inform and sue for the same, and the remainder to his Majesty, his heirs and successors.

In whose name actions for penalties in England, Ireland, or Scotland must be prosecuted.

33. Provided always, and be it further enacted, that it shall not be lawful for any person or persons whatsoever to commence, prosecute, enter, or file, or cause or procure to be commenced, prosecuted, entered, or filed, any action, bill, plaint, information, or prosecution, or actions, bills, plaints, informations, or prosecutions, in any of his Majesty's courts in England, Ireland, or Scotland, or any proceeding or proceedings before any justice of the peace of any county, riding, division, city, town, stewartry, or place for the recovery of any fine, penalty, or forfeiture, fines, penalties, or forfeitures, incurred by reason of any offence committed against this Act, or against any order or orders made by his Majesty, his heirs or successors, in council, or by two or more of the lords or others of his Majesty's privy council as aforesaid, unless the same be commenced, prosecuted, entered, or filed in the names of his Majesty's attorney general in England or Ireland, or advocate in Scotland respectively, or under the direction of the commissioners of the customs, and in the name or name of some officer or officers of the customs in England, Ireland, or Scotland respectively; and if any action, bill, plaint, information, or prosecution, actions, bills, plaints, informations, or prosecutions, or any proceeding or proceedings before any justice as aforesaid, shall be commenced, prosecuted, entered, and filed in the name or names of any other person or persons than is in that behalf before mentioned, the same shall be and are hereby declared to be null and void.

In prosecutions by officers of the customs the attorney general in England or Ireland, or advocate in Scotland, may stop proceedings.

34. Provided also, and be it further enacted, that in case any prosecution, suit, complaint, or other proceeding as aforesaid, shall be commenced or depending by any officer or officers of the customs for the recovery of any fine, penalty, or forfeiture, fines, penalties, or forfeitures, incurred by reason of any offence committed against this Act, or against any order or orders made by his Majesty, his heirs or successors, in council, or by any two or more of the lords or others or his Majesty's privy council as aforesaid, it shall and may be lawful for his Majesty's attorney general in England or Ireland, or advocate in

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Scotland, respectively, to stop all further proceedings therein, as well with respect to the share of such fine, penalty, or forfeiture, fines, penalties, or forfeitures, to which any such officer or officers shall or may claim to be entitled, as to the share thereof, belonging to his Majesty, if upon consideration of the circumstances under which any such fine, penalty, or forfeiture, fines, penalties, or forfeitures, may be incurred, it shall appear to them respectively to be fit and proper so to do.

Offences not being felony, and offences for which no specific penalty is provided, may be determined before three justices, who may fine or imprison.

35. And be it further enacted, that all offences committed against any of the provisions of this Act, for which no specific penalty, forfeiture, or punishment is provided by this Act, shall and may be tried, heard, and determined before any three justices of the peace of the county, riding, division, city, or place where such offence or disobedience shall happen; and if any person shall be convicted of any such offence or disobedience, he or she shall be liable to such forfeiture and penalty not exceeding the sum of five hundred pounds for any offence, or to such imprisonment, not exceeding twelve months for any one offence, as shall in the discretion of the three justices who shall have heard and determined the same, be judged proper; and such forfeiture and penalty shall be paid, two thirds to the person suing for the same and the remainder to his Majesty, to be applied as the proceeds of other forfeitures and penalties are herein-before directed to be applied.

Application of penalties.

Answers of persons having the charge of vessels shall be received as evidence so far as relates to the places from which vessels came, or at which they touched, and the having been directed to perform quarantine shall be received as evidence that vessels were liable, unless proof be made to the contrary, and the performing quarantine shall be proof of vessels being liable to perform it.

36. And be it further enacted, that in any prosecution, suit, or other proceedings against any person or persons whatsoever, for any offence against this Act, or any Act which may hereafter be passed concerning quarantine, or for any breach or disobedience of any order or orders which shall be made by his Majesty, his heirs or successors, with the advice of his privy council, concerning quarantine, and the prevention of infection, and notified or published as aforesaid, or of any order or orders made by two or more of the lords or others of the privy council aforesaid, the answer or answers of the commander, master, or other person having charge of any vessel, to any question or interrogatories put to him by virtue and in pursuance of this Act, or of any Act which may hereafter be passed concerning quarantine, or of any such order or orders as aforesaid, may and shall be given and received as evidence, so far as the same relates or relate to the place from which such vessel shall come, or to the place or places at which such vessel touched in the course of the voyage, and where any vessel shall have been directed to perform quarantine by the superintendent of quarantine or his assistant, or where there is no such superintendent or assistant, by the principal officer of the customs at any port or place, or other officer of the customs authorized to act in that behalf, they having been so directed to perform quarantine, may and shall be given and received as evidence that such vessel was liable to quarantine, unless satisfactory proof shall be produced by the defendant in any such prosecution, suit, or other proceeding to

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show that the vessel did not come from or touch at any such place or places as is or are stated in the said answer or answers, or that such vessel, although directed to perform quarantine, was not liable to the performance thereof; and where any such vessel shall have in fact been put under quarantine at any port or place by the superintendent of quarantine or his assistant, or other officer of the customs authorized as aforesaid to act in that behalf, and shall actually be performing the same, such vessel shall in any prosecution, suit, or other proceeding against any person or persons, whatever, for any offence against this Act or any other Act which may hereafter be passed concerning quarantine and the prevention of infection, or any order or orders which shall be made by his Majesty in council, or any two or more of the lords or others of his privy council as aforesaid, be deemed and taken to be liable to quarantine, without proving in what manner, or from what circumstance such vessel became liable to the performance thereof.

General issue.

37. And be it further enacted, that if any action or suit shall be commenced against any person or persons for anything done in pursuance or execution of this present Act, or of any order of council made by virtue thereof, the defendant or defendants in such action or suit may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and that the same was done in pursuance and in execution of the said Act; and if it shall appear so to have been done, then the jury shall find for the defendant or defendants; and if the plaintiff shall be nonsuited or discontinue his action after the defendant or defendants shall have appeared, or if judgment shall have been given upon any verdict or demurrer against the plaintiff, the defendant or defendants shall and may recover treble costs,(1) and have the like remedy for the same as the defendant or defendants hath, or have in other cases by law; and that no such action or suit shall be brought against any person for any matter or thing done in pursuance or execution of this Act, but within the space of six months after such matter or thing shall have been done.

Treble costs.

Limitation of actions.

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7 & 8 George IV.—A.D. 1827.

CAP. LXV.

An Act to explain and remove Doubts touching the Admiralty.(2) [2d July 1827.]

WHEREAS doubts may arise whether the powers and privileges given to, and the duties imposed upon, the commissioners for executing the office of lord high admiral by various Acts of Parliament, do extend and apply to the lord high admiral: And whereas it is expedient that such doubts should

(1) Repealed as to treble costs; *see* 5 & 6 Vict. c. 97. s. 2., cited p. 22, *ante*.
(2) 2 W. & M. sess. 2. c. 2. s. 1., p. 3, *ante*.

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be removed: May it therefore please your Majesty that it may be declared and enacted; and be it declared and enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that all powers, privileges, authorities, jurisdictions, and exemptions given to, and all duties and obligations imposed upon, the commissioners for executing the office of lord high admiral for the time being, or any two or more of them, or given to or imposed upon any other person or body corporate in relation to the said commissioners, or any of them, by any Act of Parliament now in force, do extend and apply, and shall be deemed, taken, and adjudged to extend and apply, to the lord high admiral for the time being, and to such person or body corporate, in relation to the lord high admiral for the time being in like manner, and to all intents and purposes, as if the lord high admiral had been expressly named in such Acts of Parliament.

Powers and privileges given by any Act to the commissioners of the Admiralty to extend to the lord high admiral.

2. And be it further declared and enacted, that all powers, privileges, authorities, jurisdictions, and exemptions given to, and duties imposed upon, the first commissioner of the Admiralty, by any Act of Parliament now in force, shall extend and apply, and be deemed and taken to extend and apply, in like manner, to the lord high admiral for the time being.

Powers given to the first commissioner to extend to the lord high admiral.

3. And be it further declared and enacted, that in all cases in which the signatures of any two or more of the commissioners for executing the office of lord high admiral would be sufficient, if the said office were executed by commissioners, to give effect to any commission, warrant, order, or other document whatsoever, the signature of any two or more of the council of the lord high admiral, affixed by his authority for that purpose, shall be taken and adjudged to have the like force and efficacy.

The signatures of two of the council to have the same effect as of two commissioners.

4. And be it further enacted, that the members of the council of the lord high admiral shall, from and after the passing of this Act, be appointed by his Majesty, and be removable at his Majesty's pleasure: Provided always, that no person holding the office of a member of the present council, being a member of the House of Commons at the time of the passing of this Act, shall vacate his seat by reason of being re-appointed to the same under the provisions of this Act, or of his being made removable from the said office at the pleasure of his Majesty.

Appointment of members of the council.

Proviso as to present members.

5. And be it further enacted, that the members of the council of the lord high admiral for the time being shall not be deemed and taken to have or hold any new offices or places of profit within the meaning of an Act passed in the sixth year of the reign of her Majesty Queen Anne, intituled "An Act for the "security of her Majesty's person and government, and of the "succession to the Crown of Great Britain in the Protestant "line."(1)

Members of the council not deemed to hold a new office.

(1) *See* 6 Anne, c. 41. s. 24.

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9 George IV.—A.D. 1828.

CAP. LXVI.

An Act for repealing the Laws now in force relating to the Discovery of the Longitude at Sea.

[15th July 1828.]

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Lord high admiral may authorize the publication of the Nautical Almanack.

2. And whereas the publication of the Nautical Almanack, constructed by proper persons for the finding of the longitude at sea, is of great importance to the safety of ships and persons, and highly conducive to the general interests of commerce and navigation; be it therefore enacted, that it shall and may be lawful to and for the lord high admiral, or the commissioners for executing the office of lord high admiral of the United Kingdom of Great Britain and Ireland, for the time being to cause such nautical almanacks, or other useful table or tables which he or they shall from time to time judge necessary and useful in order to facilitate the method of discovering the longitude at sea, to be constructed, printed, published, and vended, free of all stamp duty whatever, in the same manner as the commissioners under the said Act of the fifty-eighth year of his late Majesty's reign might or could do; and that every person who, without the special licence and authority of the lord high admiral or commissioners for executing the office of lord high admiral aforesaid for the time being, to be signified under the hand of the secretary of the Admiralty for the time being, shall print, publish, or vend, or cause to be printed, published, or vended, any such almanack or almanacks, or other table or tables, shall, for every copy of such almanack or table so printed, published, or vended, forfeit and pay the sum of twenty pounds, to be recovered, with costs of suit, by any person to be authorized for that purpose by the lord high admiral or commissioners for executing the office of lord high admiral aforesaid, (such authority to be signified under the hand of the secretary of the Admiralty as aforesaid,) by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster; and that the proceeds of the said penalty, when recovered, shall be paid and applied to the use of the Royal Hospital for Seamen at Greenwich.

Penalty for publishing said almanack without such authority.

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2 & 3 William IV.—A.D. 1832.

CAP. IV.

An Act for more effectually preventing Embezzlements by Persons employed in the Public Service of His Majesty.(1) [13th February 1832.]

WHEREAS by an Act passed on the fiftieth year of the reign of his late Majesty King George the Third, intituled "An Act for more effectually preventing the embezzlement of "money or securities for money belonging to the public by any "collector, receiver, or other person entrusted with the receipt, "care, or management thereof," it is enacted, that if any person or persons to whom any money or securities for money shall be issued for public services shall embezzle such money, or in any manner fraudulently apply the same to his own use or benefit, or for any purpose whatever except for public services, every such person so offending, and being thereof duly convicted according to law in any part of the United Kingdom, shall be adjudged guilty of a misdemeanor, and shall be sentenced to be transported beyond the sea, or to receive such other punishment as may by law be inflicted on persons guilty of misdemeanors, and as the court before which such offenders may be tried and convicted shall adjudge: And whereas it is expedient that further provision should be made with regard to embezzlements by persons employed in the public service of his Majesty: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that so much of the said Act as is hereinbefore recited shall be and the same is hereby repealed, except as to any offences against the same committed before the passing of this Act, which offences shall be dealt with and punished as if this Act had not been passed; and that from and after the passing of this Act, if any person employed in the public service of his Majesty, and entrusted by virtue of such employment, with the receipt, custody, management, or control of any chattel, money, or valuable security, shall embezzle the same, or any part thereof, or in any manner fraudulently apply or dispose of the same or any part thereof to his own use or benefit, or for any purpose whatsoever except for the public service, every such offender shall be deemed to have stolen the same, and shall in England and Ireland be deemed guilty of felony, and in Scotland of a high crime and offence, and on being thereof convicted in due form of law shall be liable, at the discretion of the court, to be transported beyond the seas for any term not exceeding fourteen years nor less than seven years, or to be imprisoned with or without hard labour, as to the court shall seem meet, for any term not exceeding three years.

50 Geo. 3. c. 59.

Part of recited Act repealed.

Persons in the public service embezzling any money or valuable securities with which they are entrusted, to be deemed guilty of felony, &c.

(1) This Act is repealed except as to Scotland, 24 & 25 Vict. c. 95. s. 1.

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What to be included under the words "valuable securities."

2. And be it enacted, that every tally, order, or other security whatsoever entitling or evidencing the title of any person or body corporate to any share or interest in any public stock or fund, whether of the United Kingdom, or of Great Britain, or of Ireland, or of any foreign state, or to any share or interest in any fund of any body corporate, company, or society, or to any deposit in any savings bank, and every debenture, deed, bond, bill, note, warrant, order, or other security whatsoever for money or for payment of money, whether of this kingdom or of any foreign state, and every warrant or order for the delivery or transfer of any goods or valuable thing, shall throughout this Act be deemed for every purpose to be included under and denoted by the words "valuable security;" and that if any person so employed and entrusted as aforesaid shall embezzle or fraudulently apply or dispose of any such valuable security as aforesaid, he shall be deemed to have stolen the same within the intent and meaning of this Act, and shall be punishable thereby in the same manner as if he had stolen any chattel of like value with the share, interest, or deposit to which such security may relate, or with the money due on such security or secured thereby and remaining unsatisfied, or with the value of the goods or other valuable thing mentioned in such security.

Different Acts of embezzlement may be charged in the same indictment.

3. And be it enacted, that it shall be lawful to charge in the indictment to be preferred against any offender under this Act, and to proceed against him for any number of distinct acts of embezzlement or of fraudulent application or disposition as aforesaid, not exceeding three, which may have been committed by him within the space of six calendar months from the first to the last of such acts; and in every such indictment where the offence shall relate to any money or any valuable security, it shall be sufficient to allege the embezzlement or fraudulent application or disposition to be of money, without specifying any particular coin or valuable security; and such allegation, so far as it regards the description of the property, shall be sustained if the offender shall be proved to have embezzled any amount, although the particular species of coin or valuable security of which such amount was composed shall not be proved, or if he shall be proved to have embezzled any piece of coin or any valuable security, or any portion of the value thereof, although such piece of coin or valuable security may have been delivered to him in order that some part of the value thereof should be returned to the party delivering the same, and although such part shall have been returned accordingly.

As to allegation and proof of the property embezzled.

Property to be described as the King's.

4. And be it further enacted, that in every such case of embezzlement or fraudulent application or disposition as aforesaid of any chattel, money, or valuable security, it shall be lawful in the order of committal by the justice of the peace before whom the offender shall be charged, and in the indictment to be preferred against such offender, to lay the property of any such chattel, money, or valuable security as aforesaid in the King's Majesty.

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5. And be it enacted, that every offender against this Act may be dealt with, indicted, tried, and punished either in the county or place in which he shall be apprehended, or in the county or place where he shall have committed the offence. Venue.

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2 & 3 William IV.—A.D. 1832.

CAP. XL.

An Act to amend the Laws relating to the Business of the Civil Departments of the Navy, and to make other Regulations for more effectually carrying on the Duties of the said Departments. [1st June 1832.]

WHEREAS his Majesty, by his royal letters patent under the great seal, bearing date the second day of November one thousand eight hundred and thirty-one, was pleased to constitute and appoint certain persons therein named to be principal officers and commissioners of his Majesty's navy, and by other letters patent under the great seal, bearing date the twenty-fifth day of February one thousand eight hundred and thirty-one, was pleased to constitute and appoint certain other persons therein named commissioners for victualling his Majesty's navy, and for the care of sick and wounded seamen: And whereas it has been deemed expedient that the number of offices in the civil departments of the navy should be reduced, and to that end that the offices or departments of the principal officers and commissioners of his Majesty's navy, and of the commissioners for victualling his Majesty's navy, and for the care of sick and wounded seamen, should be abolished: And whereas various duties of the said commissioners being established and regulated by divers Acts of Parliament, it is requisite that such Acts should in some cases be altered, and new provisions made for the due execution of the said duties: Be it therefore enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that in case his Majesty shall be pleased to cancel and revoke the said letters patent by which the said several persons were respectively constituted and appointed principal officers and commissioners of the navy, and commissioners for victualling his Majesty's navy and for the care of sick and wounded seamen, as aforesaid, all the interests, titles, authorities, powers, and duties vested in the said respective commissioners by any Act or Acts of Parliament and every matter relating to them and their respective offices, shall from and after such revocation be and the same are hereby declared to be transferred to the commissioners for executing

In case his Majesty shall revoke the appointments of the commissioners of the navy and for victualling, the powers and authorities vested in them by any statutes shall be transferred to the Admiralty.

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the office of lord high admiral of the United Kingdom of Great Britain and Ireland for the time being, and shall be vested in and exercised by them in as full and ample a manner, to all intents and purposes, as if they had been named in the said Acts instead of the commissioners of his Majesty's navy, and the commissioners for victualling his Majesty's navy, and for the care of sick and wounded seamen respectively, subject however to the provisions herein-after established: Provided always, that such transfer shall not be deemed to confer on the said commissioners for executing the office of lord high admiral aforesaid any new office within the meaning of an Act passed in the sixth year of the reign of her Majesty Queen Anne, intituled "An Act for the "security of her Majesty's person and government, and of the "succession to the Crown of Great Britain in the Protestant "line"; nor shall any such commissioner last-mentioned, by taking upon himself, under any new letters patent which his Majesty may think fit to cause to be issued, the duties of the offices so abolished, be disqualified from sitting and voting in Parliament, or thereby vacate the seat in Parliament which any such commissioner may then hold; any thing contained in the said Act of Queen Anne, or in any other Act, or any usage of Parliament, to the contrary notwithstanding; but it is nevertheless hereby declared, that from and after the passing of this Act no greater number than five commissioners of the Admiralty shall be competent at any one time to sit and vote in the Commons House of Parliament.

Commissioners of the Admiralty not thereby disqualified from sitting in Parliament.

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5. And be it further enacted, that from and after the passing of this Act it shall be lawful for the commissioners for executing the office of lord high admiral aforesaid for the time being, or any one or more of them, and they and each of them are and is hereby empowered, to administer an oath or oaths in any cases touching or concerning his Majesty's naval monies, stores, victuals, or provisions, or the accounts thereof, or in any other matter relating to his Majesty's naval service, and also from time to time, in all places whatever, to execute the office and authority of a justice of the peace(1) in as full and ample a manner as any commissioners of the navy or victualling are by any Act of Parliament now in force, or any justice under any commission is authorized to execute the same; and all keepers of gaols, and all constables and other peace officers, are hereby respectively required from time to time diligently to execute and obey all such warrants as shall be lawfully made, directed, or given to them or any of them by any one or more of the said commissioners for executing the office of lord high admiral aforesaid; and all the laws made or to be made for the ease, safety, and protection of justices of the peace in the execution of their office shall

Authority to commissioners of the Admiralty to administer oaths and execute the duties of justices.

(1) *See* 45 & 46 Vict. c. 50. s. 255., *post*, by which the authority of justices of the peace under this Act is saved.

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extend to the said last-mentioned commissioners, and to all constables and other peace officers and persons acting under the warrant or authority of any such commissioners, as fully and effectually to all intents and purposes as if they were herein enacted.

Two commissioners of the Admiralty authorized to execute all powers.

6. And whereas an Act was passed in the third year of the reign of his late Majesty King George the Fourth, for enabling two or more commissioners for executing the office of lord high admiral, when the number of such commissioners is less than six, to do certain acts theretofore done by three or more of the same commissioners: And whereas, considering the additional duty to be performed by the said commissioners, in consequence of the abolition of the said offices as aforesaid, it is expedient to authorize the execution of any of their duties by two commissioners only, even when such commissioners shall be six or more in number; be it further enacted, that from and after the passing of this Act the said last-recited Act shall be and the same is hereby repealed, and that from thenceforth it shall be lawful for any two or more commissioners for executing the office of lord high admiral aforesaid, and they are hereby empowered, to exercise and execute all powers, authorities, and duties, and to perform and do all acts, matters, and things appertaining to their office, which by any Act or Acts of Parliament are authorized or required to be executed or done by three or more of them, or by the commissioners of the navy and victualling respectively; and all such authorities, duties, matters, and things executed and performed by two or more of the said commissioners of the Admiralty shall be valid and effectual to all intents and purposes.

Their style and title.

7. And be it further enacted, that in all deeds, conveyances, leases, contracts, and other instruments touching any estate, property, matter, or thing relating to the naval service, or to any department under the controul of the commissioners for executing the office of lord high admiral aforesaid, or whereto they or any of them shall be parties, it shall be sufficient to describe them generally by the style and title of "the commissioners for exe- "cuting the office of lord high admiral of the United Kingdom "of Great Britain and Ireland," without expressing their names; and that all such deeds, conveyances, leases, contracts, and other instruments wherein the said commissioners shall be so described, and the execution thereof by any two of them, shall be as valid and effectual to all intents and purposes as if they or any of them had been expressly named therein.(1)

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(1) Compare Admiralty Powers, &c. Act, 1865 (28 & 29 Vict. c. 124.), s. 2., *post*, and the Admiralty Suits Act, 1868 (31 & 32 Vict. c. 78.), *post*.

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4 & 5 William IV.—A.D. 1834.

CAP. XXIV.

An Act to alter, amend, and consolidate the Laws for regulating the Pensions, Compensations, and Allowances to be made to Persons in respect of their having held Civil Offices in His Majesty's Service.(1)

[25th July 1834.]

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Declaration to be made by persons claiming pensions.

6. And whereas the principle of the regulations for granting allowances of this nature is and ought to be founded on a consideration, not only of the services performed by the individual to the state, but of the inadequacy of his private fortune to maintain his station in life; be it therefore enacted, that from and after the passing of this Act, whenever any person shall seek to obtain any one of the pensions before mentioned, his application for that purpose shall be made in writing to the commissioners of his Majesty's Treasury, to which he shall subscribe his name, and which shall contain, not only a statement of the services performed by him, and the grounds on which such pension is claimed, but a specific declaration that the amount of his income from other sources is so limited as to bring him within the intent and meaning of this Act and the principle herein-above declared, and without such declaration no pension as herein-before provided or authorized shall be granted.

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Superannuation allowance to persons who entered the service before 5 Aug. 1829.

9. And be it further enacted, that from and after the passing of this Act the superannuation allowances to be granted to such officers and clerks who shall have entered the public service prior to the fifth day of August one thousand eight hundred and twenty-nine (except only as herein-after is authorized) shall not exceed the following proportions with reference to the amount of their salaries and the periods of their services respectively; (videlicet,)

To an officer, clerk, or person who shall have served ten years and upwards, and under fifteen years, any annual allowance not exceeding in amount four twelfths of the annual salary and emoluments of his office:

For fifteen years and upwards, and under twenty years, not exceeding five twelfths of such salary and emoluments:

For twenty years and upwards, and under twenty-five years, not exceeding six twelfths of such salary and emoluments:

For twenty-five years and upwards, and under thirty years, not exceeding seven twelfths of such salary and emoluments:

(1) *See* 22 Vict. c. 26., *post*; 34 & 35 Vict. c. 36., *post*; 35 & 36 Vict. c. 12., *post*; and 45 & 46 Vict. c. 44., *post*.

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For thirty years and upwards, and under thirty-five years, not exceeding eight twelfths of such salary and emoluments:

For thirty-five years and upwards, and under forty years, not exceeding nine twelfths of such salary and emoluments:

For forty years and upwards, and under forty-five years, not exceeding ten twelfths of such salary and emoluments:

For forty-five years and upwards, and under fifty years, not exceeding eleven twelfths of such salary and emoluments:

And for fifty years or upwards, any annual allowance not exceeding the net amount of the salary and emoluments of his office.

* * * * * * *

Superannuations not to be granted on advanced amount of salary received for less than three years.

12. Provided always, and be it further enacted, that the superannuation allowance to be granted to any officer or person after the passing of this Act shall not be computed upon the amount of the salary enjoyed by him at the time of his retirement, unless he shall have been in the receipt of the same, or in the class from which he retires, for a period of at least three years immediately before the granting of such superannuation allowance; and in case he shall not have enjoyed his then existing salary or have been in such class for that period, such superannuation allowance shall be calculated upon the average amount of salary received by such person for three years next preceding the commencement of such allowance.

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Compensation to military and naval officers for civil services not to exceed two thirds of salary except in special cases.

16. And be it further enacted, that no compensation hereafter to be made or superannuation allowance to be granted in respect of civil services to any person entitled to half pay in the army, ordnance, navy, or marines, who shall have been appointed to the civil service subsequently to the fourth day of August one thousand eight hundred and twenty-nine, shall in any case, except as in this Act is specially provided, exceed in the whole (computing his half pay in such compensation or allowance) the amount of two thirds of the salary and emoluments of the office relinquished by him: Provided always, that nothing in this Act contained shall extend, or be construed to extend, to entitle any superintendent of a dock yard or other establishment in the civil department of the navy, who shall have held any civil appointment prior to the fifth day of August one thousand eight hundred and twenty-nine, to any superannuation allowance under this Act beyond the amount stipulated by the terms on which he shall have accepted the office of superintendent, or the amount established by any order of his Majesty in council concerning superintendents.

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No compensation to be charged upon

18. And be it further enacted, that no compensation for any office abolished, nor any special allowance or remuneration for

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the fund of the department; nor without concurrence of his Majesty in council or of the Treasury.

good services to any person holding or having held any civil office in any public department, shall be charged upon the incidents or any other fund of any such department; and that no such compensation, nor any allowance or compensation in the nature of superannuation, or retired allowance or reward, to any such person in respect of his having held any public office or employment, or having been engaged in any public service, shall be granted, allowed, or paid, other than under the authority of an order of his Majesty in council, or by the commissioners of his Majesty's Treasury, or any three or more of them.

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No superannuation or compensation to be enjoyed with salary for efficient services.

20. Provided always, and be it further enacted, that in case any person enjoying any superannuation allowance, in consequence of retiring from office on account of age, infirmity, or any other cause, or enjoying any compensation for past services upon the abolition or reduction of office, shall be appointed to fill any office in any public department,(1) every such allowance or compensation shall cease to be paid for any period subsequent to such appointment, if the annual amount of the profits of the office to which he shall be appointed shall be equal to those of the office formerly held by him, and in case they shall not be equal to those of his former office, then no more of such superannuation allowance or compensation shall be paid to him than what with the salary of his new appointment shall be equal to that of his former office.

Not to extend to half pay, &c.

21. Provided always, and be it further enacted, that nothing herein contained with respect to compensation, superannuation, or allowance for civil services, shall extend, or be construed to extend, to any military or naval half pay, or allowance in lieu of half pay, or to any military or naval allowance or pensions granted or to be granted, under the regulations of any order of his Majesty in council, in any of the respective departments of the commissioners of the Admiralty, the secretary at war, and the master general of the ordnance, except as herein-after is provided with respect to the same.

Account of increase and diminution of public salaries, pensions, and allowances to be annually laid before Parliament.

22. And be it further enacted, that between the first day of February and the twenty-fifth day of March in every year, or if Parliament shall not be sitting during any part of that period, then within twenty days after the next meeting of Parliament, there shall be laid before both Houses of Parliament an account of every increase and diminution which shall have taken place within the preceding year, ending on the thirty-first day of December, in the number of persons employed in all public offices or departments under the Crown, and in the salaries, emoluments, allowances, and expences which shall have taken place or been paid, granted, received, or incurred for and in respect of all

(1) The expression "office in any public department" is extended to any office in any public department in the British possessions by 35 & 36 Vict. c. 12. s. 1., *post*. *See* 35 & 36 Vict. c. 12. s. 2. for definition of British possessions.

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officers and persons belonging to or employed in all such public offices or departments, specifying the amount and nature thereof, and distinguishing every increase and diminution in the amount of all allowances or compensations granted as retired allowances or superannuations to any persons having held any office, place, or employment in any such public office or department, and also the time and length of service of every such person, and the amount of the salary and emoluments received by such person immediately preceding his superannuation or retirement, and the nature of his services, and the grounds upon which such increase or diminution in the establishment of every such public office or department, or of any such salary, emolument, allowance, compensation, or superannuation, shall have been granted or made; and also specifying the name of every person receiving such allowance or compensation who may have died in the course of the year, together with the amount of the annual allowance payable to such person.

Civil allowances, &c. to be laid before Parliament.

23. Provided always, and be it further enacted, that accounts of all compensations for offices abolished, and of all allowances in the nature of superannuation or retired allowances to all other persons in respect of their having held any public office or employment under the Crown, shall annually, at the period lastly provided, be laid before the Commons House of Parliament.

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Half pay and military and naval pensions to be laid before Parliament in separate estimates.

25. Provided always, and be it further enacted, that all half pay and allowances in lieu of half pay in the several departments of the army, ordnance, navy, and marines, and all military and naval allowances or pensions granted or which shall be granted in any of such departments under the authority of any order in council, shall be annually laid before the Commons House of Parliament in separate estimates, at the same time with the ordinary estimates of those respective departments, and shall be kept distinct from all pensions, compensations, superannuation and retired allowances in any of the civil offices of those departments respectively.

Compensations not provided for to be charged on funds of departments.

26. And be it further enacted, that the compensations, superannuations, and allowances authorized as well by this as any former Act or Acts shall, when not specially provided for by Parliament, be charged upon and paid and payable by the respective departments or offices in which the persons receiving such allowances shall have served.

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Average of emoluments to be made by heads of departments.

28. And be it further enacted, that it shall be lawful for the person or persons at the head of any department in which any fees or other sources of profit may form part of the emoluments of any office in such department, to fix, with the approbation of the commissioners of his Majesty's Treasury, or for the

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commissioners of the Admiralty, if the office shall be in that department, an average sum upon which the compensation or superannuation allowance shall be granted, * * * * * * * which sum so to be fixed shall not exceed the average amount of such emoluments for the three last preceding years.

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Act not to give an absolute right to allowances, or to prevent dismissal of persons for misconduct.

30. Provided always, and be it further enacted, that nothing in this Act contained shall extend or be construed to extend to give any person an absolute right to compensation for past services, or to any superannuation or retiring allowance under this Act, or to deprive the commissioners of his Majesty's Treasury, and the heads or principal officers of the respective departments, of their power and authority to dismiss any person from the public service without compensation.

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5 & 6 William IV.—A.D. 1835.

CAP. XXIV.

An Act for the Encouragement of the Voluntary Enlistment of Seamen, and to make Regulations for more effectually Manning His Majesty's Navy.(1)

[21st August 1835.]

WHEREAS it is expedient to limit the duration of the service of seamen in his Majesty's navy, and to increase the inducements to seafaring men voluntarily to enter into the same: Be it therefore enacted and declared by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that no person shall be liable to be detained against his consent in the naval service of his Majesty for a longer period than five years, to be computed from the day of his being entered into the same, unless he shall have voluntarily entered for a longer term, and except as herein-after provided; and that at the expiration of such period of continuous service he shall, upon his application for that purpose, be entitled to be discharged; and if the ship on board which he shall be serving be in any port of the United Kingdom he shall be forthwith discharged; and in cases of men serving on board ships absent from the United Kingdom, the lord high admiral, or the commissioners for executing the office of lord high admiral, shall cause the necessary orders and

Naval service limited to five years.

If the ship be abroad, seamen, on the expiration of their service, to be sent home by the earliest opportunity.

(1) *See* the Naval Enlistment Act, 1853, 16 & 17 Vict. c. 69., p. 132, *post*, and the Naval Enlistment Act, 1884, 47 & 48 Vict. c. 46., *post*. These Acts are all to be construed together as one Act and may be cited as the Naval Enlistment Acts, 1835 to 1884. *See* Naval Enlistment Act, 1884 (47 & 48 Vict. c. 46.), s. 1., *post*.

For period of service of boys, *see* Naval Enlistment Act, 1884 (47 & 48 Vict. c. 46.), s. 2., *post*.

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instructions to be given to all admirals and other officers in command of his Majesty's ships, that about the time when the period of their respective services shall expire every person entitled to his discharge on signifying to his captain or commanding officer his wish no longer to continue in the service, shall be discharged forthwith, if he desire it, or shall be sent by the earliest convenient opportunity, in some ship of his Majesty, to some port of the United Kingdom, to be there discharged: Provided always nevertheless, that if the admiral or commanding officer of the fleet or squadron under whose command he shall be, shall, in consequence of any special emergency, deem it hazardous to the public service forthwith to discharge him, then such admiral or commanding officer shall have power to detain him in the service for a further period of six calendar months, or until such emergency shall have ceased; * * * * * * * * * * Provided also, that if any seaman shall be under lawful arrest at the period at which he shall be so entitled to his discharge, then such discharge shall not take place until such arrest shall have ceased, or, in case he shall have been put under arrest in order to be brought to trial for any offence, until he shall have been tried for such offence, and have undergone the punishment to which he may be adjudged for the same by sentence of court-martial: And provided further, that nothing in this Act contained shall be construed to exempt any person so entitled to his discharge from the performance of the duties of his station until he shall have been actually discharged; and that every such person, so long as he shall be in the service, shall be amenable and subject to the discipline of the navy, and to the several provisions of the laws in being relating to the government of his Majesty's ships, vessels, and forces by sea.

Admiral in case of emergency, may detain them six months longer with one fourth increase of pay.

Seamen under arrest for trial not to be discharged until after trial, &c.

to perform their duties, and be amenable to naval discipline until discharged.

2. And be it further enacted, that every such seaman who may have served the said term of five years, whilst any proclamation of his Majesty calling for the services of seafaring men shall have been in force, shall, upon being discharged from the navy, be entitled to receive from the captain or commanding officer of the ship from which he shall be so discharged a certificate of his service therein, containing a description of his age, person, and place of birth, upon the production at the Admiralty office of which and of similar certificates as to his service in any other of his Majesty's ships in which he may have served during such period of five years, (all which certificates the captains of such ships are hereby required to give him on his discharge from the same respectively,) and upon a comparison of the dates and particulars to be expressed in such certificates with the muster books of the several ships in which he shall have served, provided the particulars shall be found correct and the certificates be found genuine, a protection from service in the navy for the space of two years shall be issued to every such seaman gratis, under the hands of two or more of the commissioners for executing the office of lord high admiral and the seal of the

Discharged seamen to receive certificates, on which protections are to be issued to them.

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office of admiralty, in such form as the said commissioners shall think fit: Provided always, that if any such seaman shall be discharged, except upon his own application, before the term of his service shall amount to five years as aforesaid, a protection shall be granted to him for the space of one year only.

Punishment for forging certificates, &c.

3. And in order to prevent as far as may be frauds and impositions with respect to protections, be it further enacted, that if any person shall forge or counterfeit any certificate of service in his Majesty's navy, or any instrument purporting to be a protection from such service, or shall fraudulently utter or publish any forged certificate of such service, or any forged instrument purporting to be a protection from such service, knowing the same to be forged, or shall fraudulently alter any certificate or protection which shall have been duly granted or issued; or if any person shall forge or fraudulently alter any extract from a baptismal register, or shall knowingly utter any false or fraudulently altered extract from a baptismal register, or any false affidavit, certificate, or other document, in order to obtain from the Admiralty office a protection from his Majesty's naval service for himself or any other person; or if any person, being in the possession of a protection, shall lend, sell, or dispose thereof to any other person, in order fraudulently to enable such other person to make an unlawful use of the same; or if any person shall produce, utter, or make use of as a protection for himself any protection which shall have been made out or issued for any other individual; every person in any such manner offending shall be deemed guilty of a misdemeanor, and such protection shall thenceforward be null and void.

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Provisions in favour of volunteers extended to colonial seamen, who on their discharge shall be sent to their homes.

8. And be it further enacted, that all the provisions contained in this Act in favour of volunteers shall be extended to the seamen belonging to the British colonies who shall freely enter themselves to serve in the navy; and that all such colonial seamen, after being discharged at the expiration of five years service, in case they shall be desirous to return to their native colony, shall either be conveyed thither free of expence, or be allowed a gratuity in money sufficient to cover the cost of their return thereto, as the commissioners for executing the office of lord high admiral shall think fit.

Act not to diminish the authority of the Admiralty in the discharge of seamen.

Seamen may obtain their discharge on providing substitutes.

9. Provided always, and be it enacted, that nothing in this Act contained shall extend to control or diminish the authority vested in the lord high admiral and the commissioners for executing the office of lord high admiral to discharge, as he or they shall think fit, or to authorize the discharge of any seaman from his Majesty's naval service; and that if any seaman shall be desirous of being discharged from the naval service before the expiration of the period of five years for which he shall be engaged or shall be bound to serve, and shall provide one able seaman or two able-bodied landmen to serve in his stead, for a period of five years (if their services shall b so long required),

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every such seaman shall, upon the approval of such substitutes by the proper officer of the Admiralty, and upon their being actually received into the service on board any one of his Majesty's ships of war, be forthwith discharged from the navy, and shall be entitled to the same protection as if he had completed a period of five years service.

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7 Will. IV. & 1 Vict.—A.D. 1837.

CAP. XXXI.

An Act for continuing Military Commissions and Commissions in the Royal Marines in force notwithstanding the Demise of the Crown. [12th July 1837.]

WHEREAS great inconvenience has arisen on occasion of the demise of the Crown from the necessity of renewing all military commissions under the royal sign manual: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that all commissions of military officers and officers of the royal marines signed by his late Majesty King William the Fourth shall be and continue in force, notwithstanding the demise of his said late Majesty, until cancelled by direction of her Majesty, her heirs and successors; and that upon any future demise of the Crown all commissions in the army and royal marines then in force shall continue in force until cancelled by direction of the succeeding King or Queen of this realm: Provided always, that nothing in this Act contained shall be construed to deprive her Majesty, her heirs and successors, of the power of removing and discharging any person from any such employment or commission held by him in like manner as might by law have been done if this Act had not been passed.

Military commissions to continue in force notwithstanding the demise of the Crown.

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7 Will. IV. & 1 Vict.—A.D. 1837.

CAP. XXXVI.

An Act for consolidating the Laws relative to Offences against the Post Office of the United Kingdom, and for regulating the judicial Administration of the Post Office Laws, and for explaining certain Terms and Expressions employed in those Laws.(1) [12th July 1837.]

3. And be it enacted, that every person, being either the master of a vessel inward-bound, or one of the officers, or one of

Ship letters retained after delivering of letters to post office.

(1) *See*, as to naval letters, 3 & 4 Vict. c. 96. ss. 53. and 54., pp. 106, 107, *post*. *See also* 10 & 11 Vict. c. 85. ss. 7., 20., p. 125, *post*; 23 & 24 Vict. c. 65., *post*.

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the crew, or a passenger thereof, who shall knowingly have any letter in his possession not exempted from the privilege of the postmaster general, after the master shall have sent any part of his ship's letters to the post office, shall forfeit for every letter five pounds; and whether the letter be in the baggage or on the person of the offender, or otherwise in his custody, it shall be held to be in his possession; and every such person who shall detain any such letter after demand made, either by the officer of the customs or by a person authorized by the postmaster general to demand ship's letters, shall forfeit for every letter ten pounds.

Penalties for abusing the franking privilege.

4. And for preventing the abuse of any privilege by the Post Office Acts conferred of sending letters or papers free of postage, or at a reduced rate of postage, whereby the post office revenue may be defrauded, be it enacted, that every person who shall send or cause to be sent a banker's parcel, wherein or upon the cover whereof there shall be a writing or communication, or any thing other than negociable notes, contrary to the post office laws or the regulations of the postmaster general, shall forfeit two hundred pounds; and every franking officer or other person authorized by virtue of their office to frank official letters who shall unlawfully superscribe a letter as belonging to his office or department which does not concern the business thereof shall for the first offence forfeit one hundred pounds, and for the second offence shall forfeit the like sum, and be dismissed from his office; and every person having the command of a ship or vessel, or regiment or corps or detachment, who is authorized to write his name, and the name of the ship or of the vessel, or of the regiment or corps or detachment, commanded by him, upon a single letter from a seaman or soldier privileged to send his letter at a reduced rate of postage, who shall wilfully write his name upon a letter that is not from and on the private concerns only of such seaman or soldier so privileged, shall for every such offence forfeit five pounds; and every person not having at the time the command of the ship or vessel, or regiment or corps or detachment to which a seaman or soldier so privileged belongs, who shall write his name upon a letter in order that the same may be sent at a lower rate of postage than by law established, shall for every such offence forfeit five pounds; and every person who shall procure a seaman or soldier to obtain the signature of his commanding officer to a letter to be sent by the post which shall not be on the private concerns of such seaman or soldier, and every such seaman or soldier who shall obtain the signature of his commanding officer upon a letter which shall not be from such seaman or soldier, and upon his own private concerns only, in order to avoid the payment of the rates of postage by law established, shall for every such offence forfeit five pounds; and every person who shall wilfully address a letter to such seaman or soldier having the privilege of receiving his letters at a reduced rate, which shall be intended for another person, or

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which shall be concerning the affairs of another person, with intent to evade the payment of the rate of postage by law established, shall for every such offence forfeit five pounds; and every person who shall, with intent to evade any duty of postage, falsely superscribe a letter as being the owner or the charterer or the consignee of a vessel conveying the same, or as the owner or the shipper or the consignee of goods shipped in such vessel, shall for every such offence forfeit ten pounds.

Penalty for falsely superscribing the letter of an owner of a vessel, &c.

6. And for compelling the observance of the provisions of the post office laws relating to the conveyance of ship letters, be it enacted, that every master of a vessel outward-bound to Ceylon, the Mauritius, the East Indies, or the Cape of Good Hope, who shall refuse to take a post letter bag delivered or tendered to him by an officer of the post office for conveyance, shall forfeit two hundred pounds; and every master of a vessel who shall open a sealed letter bag with which he shall be intrusted for conveyance shall forfeit two hundred pounds; and every master of a vessel who shall take out of a letter bag with which he shall have been intrusted for conveyance a letter or any other thing shall forfeit two hundred pounds; and every master of a vessel who shall not duly deliver a letter bag with the contents at the post office on his arrival in port, without wilful or unavoidable delay after his arrival, shall forfeit two hundred pounds; and every person to whom letters may have been intrusted by the master of a vessel to bring on shore who shall break the seal, or in any manner wilfully open the same, shall forfeit twenty pounds; and every master of a vessel who shall refuse or wilfully neglect to make the declaration of having delivered his ship's letters to the post office, as required by an Act of the present session, intituled "An Act for the regulation of the duties of postage," shall forfeit fifty pounds; and every collector, comptroller, or officer of the customs who by the said Act is required to prohibit any vessel reporting until the requisites of such Act shall have been complied with, who shall permit such vessel to report before the requisites of such Act shall have been complied with, shall forfeit fifty pounds; and every master of a vessel (not having been able to send his letters ashore previous to his arrival at the port where the vessel is to report) who shall break bulk or make entry before all letters on board shall be sent to the post office, shall forfeit twenty pounds; and every master of a vessel, or any other person on board any ship liable to the performance of quarantine, who shall neglect or refuse to deliver to the person or persons appointed to superintend the quarantine all letters in his possession, shall forfeit twenty pounds.

Penalties on masters of ships not taking letter bags.

7 Will. 4. & 1 Vict. c. 34.

47. And for the interpretation of the post office laws, be it enacted, that the following terms and expressions shall have the several interpretations herein-after respectively set forth, unless such interpretations are repugnant to the subject or

Interpretation clause.

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inconsistent with the context of the provisions in which they may be found; (that is to say,) the term "British letter" shall mean a letter transmitted within the United Kingdom; and the term "British newspapers" shall mean newspapers printed and published in the United Kingdom liable to the stamp duty and duly stamped; and the term "British postage" shall mean the duty chargeable on letters transmitted by post from place to place within the United Kingdom, or if transmitted to or from the United Kingdom chargeable for the distance which they shall be transmitted within the United Kingdom, and including also the packet postage, if any; and the term "colonial letter" shall mean a letter transmitted between any of her Majesty's colonies and the United Kingdom; and the term "colonial newspapers" shall mean newspapers printed and published in any of her Majesty's dominions out of the United Kingdom; and the term "convention posts" shall mean posts established by the postmaster general under agreements with the inhabitants of any places; and the term "double letter" shall mean a letter having one inclosure; and the term "double postage" shall mean twice the amount of single postage; and the term "East Indies" shall mean every port and place within the territorial acquisitions now vested in the East India Company in trust for her Majesty, and every other port or place within the limits of the charter of the said Company (China excepted), and shall also include the Cape of Good Hope; and the term "express" shall mean every kind of conveyance employed to carry letters on behalf of the post office other than the usual mail; and the term "foreign country" shall mean any country, state, or kingdom not included in the dominions of her Majesty; and the term "foreign letter" shall mean a letter transmitted to or from a foreign country; and the term "foreign newspapers" shall mean newspapers printed and published in a foreign country in the language of that country; and the term "foreign postage" shall mean the duty charged for the conveyance of letters within such foreign country; and the term "franking officer" shall mean the person appointed to frank the official correspondence of offices to which the privilege of franking is granted; and the term "her Majesty" shall mean "her Majesty, her heirs and successors"; and the term "her Majesty's colonies" shall include every port and place within the territorial acquisitions now vested in the East India Company in trust for her Majesty, the Cape of Good Hope, the islands of Saint Helena, Guernsey, Jersey, and Isle of Man (unless any such places be expressly excepted,) as well as her Majesty's other colonies and possessions beyond seas; and the term "inland postage" shall mean the duty charged for the transmission of post letters within the limits of the United Kingdom or within the limits of any colony; and the term "letter" shall include packet, and the term "packet" shall include letter; and the expression "lord lieutenant of Ireland" shall mean the chief governor or governors of Ireland for the time being; and the

British letter.
British newspapers.
British postage.
Colonial letter.
Colonial newspapers.
Convention posts.
Double letter.
Double postage.
East Indies.
Express.
Foreign country.
Foreign letter.
Foreign newspapers.
Foreign postage.
Franking officer.
Her Majesty.
Her Majesty's colonies.
Inland postage.
Letter.
Packet.
Lord lieutenant of Ireland.

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expression "lords of the Treasury" shall mean the lord high treasurer of the United Kingdom of Great Britain and Ireland, or the lords commissioners of her Majesty's Treasury of the United Kingdom of Great Britain and Ireland, or any three or more of them; and the term "mail" shall include every conveyance by which post letters are carried, whether it be a coach or cart or horse, or any other conveyance, and also a person employed in conveying or delivering post letters, and also every vessel which is included in the term packet boat; and the term "mail bag" shall mean a mail of letters, or a box, or a parcel, or any other envelope in which post letters are conveyed, whether it does or does not contain post letters; and the term "master of a vessel" shall include any person in charge of a vessel, whether commander, mate, or other person, and whether the vessel be a ship of war or other vessel; and the expression "officer of the post office" shall include the postmaster general, and every deputy postmaster, agent, officer, clerk, letter carrier, guard, post boy, rider, or any other person employed in any business of the post office, whether employed by the postmaster general, or by any person under him or on behalf of the post office; and the term "packet postage" shall mean the postage chargeable for the transmission of letters by packet boats between Great Britain and Ireland, or between the United Kingdom and any of her Majesty's colonies, or between the United Kingdom and foreign countries; and the term "packet letter" shall mean a letter transmitted by a packet boat; and the term "penalty" shall include every pecuniary penalty or forfeiture; and the expression "persons employed by or under the post office" shall include every person employed in any business of the post office according to the interpretation given to officer of the post office; and the terms "packet boats" and "post office packets" shall include vessels employed by or under the post office or the Admiralty for the transmission of post letters, and also ships or vessels (though not regularly employed as packet boats) for the conveyance of post letters under contract, and also a ship of war or other vessel in the service of her Majesty in respect of letters conveyed by it; and the term "postage" shall mean the duty chargeable for the transmission of post letters; and the term "post town" shall mean a town where a post office is established (not being a penny or twopenny or convention post office); and the term "post letter bag" shall include a mail bag or box, or packet or parcel, or other envelope or covering in which post letters are conveyed, whether it does or does not contain post letters; * * * * * * and the term "postmaster general" shall mean any person or body of persons executing the office of postmaster general for the time being, having been duly appointed to the office by her Majesty; and the terms "Post Office Acts" and "post office laws" shall mean all Acts relating to the management of the post, or to the establishment of the post office, or to postage duties, from time to time in force; and the term "ships" shall include vessels other than packet boats; and the term "single postage" shall mean the

Lords of the Treasury.
Mail.
Mail bag.
Master of a vessel.
Officer of the post office.
Packet postage.
Packet letter.
Penalty.
Persons employed by the post office.
Packet boats.
Post office packets.
Postage.
Post town.
Post letter bag.
Postmaster general.
Post Office Acts.
Post office laws.
Ships.
Single postage.

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Single letter. postage chargeable for a single letter; and the term "single "letter" shall mean a letter consisting of one sheet or piece of
Sea postage. paper, and under the weight of an ounce; and the term "sea "postage" shall mean the duty chargeable for the conveyance of
Ship letter. letters by sea by vessels not packet boats; and the term "ship "letter" shall mean a letter transmitted inwards or outwards over
Treble letter. seas by a vessel not being a packet boat; and the term "treble "letter" shall mean a letter consisting of more than two sheets or pieces of paper, whatever the number, under the weight of an
Treble postage. ounce; and the term "treble postage" shall mean three times the
Treble the duty of postage. amount of single postage; and the term "treble the duty of "postage" shall mean three times the amount of the postage to which the letter to be charged would otherwise have been liable according to the rates of postage chargeable on letters; and the
United Kingdom. term "United Kingdom" shall mean the United Kingdom of Great Britain and Ireland; and the term "valuable security"
Valuable security. shall include the whole or any part of any tally, order, or other security whatsoever, entitling or evidencing the title of any person or body corporate to any share or interest in any public stock or fund, whether of this kingdom or of Great Britain or of Ireland, or of any foreign state, or in any fund of any body corporate, company, or society, or to any deposit in any savings bank, or the whole or any part of any debenture, deed, bond, bill, note, warrant, or order, or other security whatsoever for money or for payment of money, whether of this kingdom or of any foreign state, or of any warrant or order for the delivery or transfer of any goods or valu-
Vessel. able thing; and the term "vessel" shall include any ship or other
Between. vessel not a post office packet; and whenever the term "between" is used in reference to the transmission of letters, newspapers, parliamentary proceedings, or other things between one place and another, it shall apply equally to the transmission from either place to the other; and every officer mentioned shall mean the person for the time being executing the functions of that officer; and whenever in this Act or the schedules thereto, with reference to any person or matter or thing, or to any persons, matters, or things, the singular or plural number or the masculine gender only is expressed, such expression shall be understood to include several persons or matters or things as well as one person or matter or thing, and one person, matter, or thing as well as several persons or matters or things, females as well as males, bodies politic or corporate as well as individuals, unless it be otherwise specially provided, or the subject or context be repugnant to such construction.

Where provisions of Act shall extend to. **48.** And be it enacted, that this Act shall extend to and be in force in the islands of Man, Jersey, Guernsey, Sark, and Alderney, and in all her Majesty's colonies and dominions where any post or post communication is established by or under the postmaster general of the United Kingdom of Great Britain and Ireland.

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1 & 2 Victoria.—A.D. 1838.

CAP. LXI.

An Act to amend an Act for enabling Persons to make Deposits of Stock or Exchequer Bills in lieu of giving Security by Bond to the Postmaster General and Commissioners of Land Revenue, Customs, Excise, Stamps, and Taxes. [31st July 1838.]

WHEREAS by an Act passed in the sixth and seventh years of the reign of his late Majesty King William the Fourth, intituled "An Act to enable persons to make deposits of stock "or Exchequer bills in lieu of giving security by bond to the "postmaster general and commissioners of land revenue, "customs, excise, stamps, and taxes," it is enacted, that it shall be lawful for any person or persons or for any bodies corporate from whom any such security is required, and who may be desirous of adopting the provisions of that Act in lieu of giving the same by bond, by and with the consent of the commissioners of his then Majesty's treasury, or any three or more of them, to transfer into the name of the postmaster general, or of the chief commissioner of his said Majesty's woods, forests, land revenues, works, and buildings, or of the chairman for the time being of the commissioners of that department of the revenue in respect of which such security is required, in the books of the governor and company of the bank of England, so much of any public stock standing in the said books in the name or names of such person or persons or bodies corporate, or to deposit in the bank of England, in the name of the said postmaster general or chief commissioner, or of such chairman, such an amount of exchequer bills as shall be, in the judgment of the said commissioners of his said Majesty's treasury, or any three or more of them, a sufficient security and indemnification against all contraventions of the duty or purpose for the due performance of which such security was required: And whereas it is further enacted, that when any stock shall be transferred or any deposit of exchequer bills shall be made in pursuance of that Act the said stock shall be transferred into, and the said exchequer bills shall be deposited in, the name of his said Majesty's postmaster general, the said chief commissioner, or the chairman of the board of customs, excise, or stamps and taxes, as the case may be; and the account into which such stock shall be transferred, or in which such deposit shall be made, shall be so headed in the books of the governor and company of the bank of England: And whereas it is by the said Act further enacted, that the dividends upon all such stock so transferred, and the interest upon all exchequer bills so deposited, shall be paid to the receivers general of the respective revenues therein mentioned, and the receipts of such receivers general

6 & 7 Will. 4. c. 28.

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shall be a sufficient discharge for the same; and the dividends upon all stock so transferred, and the interest upon all such exchequer bills, shall be paid to the respective parties transferring such stock or depositing such exchequer bills by the respective receivers general, upon the production of an order for that purpose from the postmaster general, or such chief commissioner, or the commissioners of the respective revenues, or any two of them, with whom such deposits have respectively been made: And whereas delays and inconveniences may sometimes arise to the person or persons or bodies corporate who may have made such transfers or deposits as aforesaid, by reason of the absence or illness of the said receivers general: For remedy whereof be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that any public stock standing in the said books of the governor and company of the bank of England in the name of the said postmaster general, or of the said chief commissioner, or of the said chairman for the time being, and any exchequer bills so deposited as aforesaid, and any stock or exchequer bills which shall at any time hereafter be required to be transferred or deposited by way of security in pursuance of the said Act or this Act, may be transferred in the said books into or deposited in the name of such postmaster general, or of such chief commissioner, or of such chairman for the time being, and into and in that of any person or persons or body corporate from whom such security has been or may be required, or into the name of any person appointed by him or them; and that the dividends upon all stock so transferred, and the interest upon all exchequer bills so deposited, may be received by such person or persons in whose name such stock may be standing or in whose name such exchequer bills may be deposited jointly as aforesaid, or by any other person or persons duly authorised by letter of attorney executed by such person or persons or body corporate; * * * * * * * * *

Stock, &c. deposited as security may be transferred into joint names of the public officer and depositor, who may receive dividends.

Stock, &c. may be sold on certificate of public officer.

2. And whereas by the said Act it is enacted, that it shall be lawful for the said postmaster general, upon the certificate of the accountant general of the post office, and for such chief commissioner, and for such chairman as aforesaid, upon the certificate of any two or more of the commissioners of such department of the revenue, that the revenue has been damnified by any act done or any payment or duty omitted in contravention of the duty or purpose for the due performance of which such security was required as therein-before mentioned, and they and each of them are thereby required to sell so much of such stock or of such exchequer bills as shall be necessary to make good any loss so occasioned, and to pay the proceeds thereof to the receiver general of that department of revenue in respect of which such loss has been sustained: Be it enacted, that nothing herein contained shall extend to prevent or restrain the sale of any stock

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or exchequer bills so transferred as aforesaid upon such certificate as is herein lastly above recited, but every such certificate shall specify the names in which the stock or exchequer bills intended to be sold is standing or deposited; and upon the production of any such certificate the governor and company of the bank of England shall permit the postmaster general, such chief commissioner, or chairman, as the case may be, to sell, assign, or transfer stock, or shall deliver to such postmaster general, chief commissioner, or chairman, exchequer bills to the amount in such certificate specified from the account therein mentioned, notwithstanding such stock or such exchequer bills shall have stood in the said books in the names of such postmaster general, chief commissioner, or chairman, and some other person or some body corporate jointly.

Provisions of recited Act and this Act to extend to parties giving bonds for the due discharge of their duties in offices under the Crown, &c.

3. And whereas it is expedient to extend the provision of the said Act so as to enable all parties whatsoever who in respect of their offices are required to give security by bond for the proper and faithful discharge of the duties of their several offices to make deposit of stock or exchequer bills in lieu of giving such security by bond: Be it therefore enacted, that all or any of the provisions of the said Act and of this Act shall be and they are hereby extended to all persons who are or shall be required to give bond for the proper and faithful discharge of the duties of any public officer under the Crown, and it shall be lawful to and for the lord high treasurer or the commissioners of her Majesty's treasury of the United Kingdom of Great Britain and Ireland for the time being, or any three or more of them, by warrant under their hands to the governor and company of the bank of England or the governor and company of the bank of Ireland, as the case may be, to appoint the officer or officers in whose name or names such stock or exchequer bills shall be deposited, and to make such regulations as may be necessary for extending the provisions of the said recited Act and of this Act to such other cases as are hereby authorized.

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2 & 3 Victoria.—A.D. 1839.

CAP. LI.

An Act to regulate the Payment and Assignment in certain Cases of Pensions granted for Service in Her Majesty's Army, Navy, Royal Marines, and Ordnance.(1) [17th August 1839.]

* * * * * * *

Guardians may require the payment

2. And be it enacted, that when relief shall be given to any person entitled to or in receipt of any army or naval pension, or

(1) So much of this Act as relates to the repayment of relief administered to Chelsea or Greenwich out-pensioners is repealed by 9 & 10 Vict. c. 10. s. 2.

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of pensions to be made to them for relief given by admission of pensioners into the workhouse.

any superannuation or other allowance in respect of his service in the army, navy, marines, or ordnance, or any other branch of the military service, or in any civil branch of the army, navy, marines, or ordnance, or to his wife, or to any person whom he may be liable to maintain, by admission of such pensioner, his wife, or person into the workhouse of any union or parish, it shall be lawful for the guardians of such union, by minute, in the form in the schedule to this Act annexed marked (A.) with respect to any pension payable at Chelsea Hospital, or payable out of any funds intrusted to the commissioners of Chelsea Hospital for the payment of pensions, and in the form in the schedule to this Act marked (B.) with respect to any Greenwich out-pensions, and in the form in the schedule to this Act marked (C.) with respect to any other of the before-mentioned pensions, superannuation, or allowance, to require that the next payment which shall become due of such pension or allowance shall be made to such guardians, who shall transmit a copy of such minute, attested by their clerk, at least one month before such payment shall become due, and addressed, as to pensions or allowances payable at Chelsea Hospital, or by the commissioners of the said hospital, to the secretary of Chelsea Hospital, with the words "Chelsea pension" written thereon, and as to Greenwich out-pensions to the paymaster general, Out-pension Office, Tower Hill, with the words "Greenwich out-pension" written thereon, and as to all other the before-mentioned pensions to the paymaster general, Whitehall, London; and the commissioners of Chelsea Hospital and her Majesty's paymaster general respectively shall thereupon, and upon the like proof being given as is herein-after directed with respect to assignments, cause payment to be made to such guardians; and the said guardians shall thereupon enter upon their minutes the nature and amount of relief actually given to such pensioner, or his wife or other person, and upon application made by the said pensioner to the clerk of the said guardians shall inform the said pensioner of the amount thereof; and the said guardians so receiving any pension or allowance shall retain and apply so much thereof as will repay the cost of relief actually given as aforesaid for the use and indemnity of the union or parish, and shall pay the surplus (if any) to the pensioner or person entitled thereto; and upon the receipt of any such minute as aforesaid the payment of the pension or other allowance mentioned therein shall be suspended until sufficient proof shall have been given to entitle the guardians named in such minute to receive the money thereby required to be paid to them; provided that where such relief shall not be given to the pensioner himself, the said guardians, before transmitting any such minute as aforesaid, shall obtain satisfactory proof that the person to whom such relief shall be given is the lawful wife of the said pensioner, or a person whom such pensioner is by law liable to maintain, which proof shall also be entered upon the minutes of the said board of guardians.

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Authorizing assignment of pension in certain cases.

3. And be it enacted, that when any pensioner or person entitled to or in receipt of any pension or other allowance as aforesaid shall apply for temporary relief to the guardians of any union or parish in England or Ireland, or to the churchwardens or overseers of any parish in which the administration of the relief of the poor has not been directed to be governed by a board of guardians, or not situate within any union, so long only as such parish is not governed by such guardians, nor situate within any union, or to the heritors and kirk session in Scotland, or shall receive relief from the said guardians, churchwardens, and overseers, or heritors and kirk session, it shall be lawful for the said guardians, or churchwardens and overseers of the poor, and heritors and kirk session, but not compulsory upon them, to grant such relief in such case, or in the event of any pensioner receiving relief without previous application on his part, and to require the pensioner applying for or receiving the same to assign to them respectively his next quarterly payment of pension or other allowance, to the intent that such guardians, or churchwardens and overseers, or heritors and kirk session respectively, may receive the same, and retain for the use of the said union or parish so much thereof as shall have been by them respectively advanced for the temporary relief of such pensioner, or of his wife or family residing with him in such union or parish; and every assignment to be made of any such pension or other allowance for the purposes and according to the tenor of this Act shall be exempt from stamp duty, and shall, as to any pensions payable at Chelsea Hospital or by the commissioners thereof, be in the form set out in the schedule to this Act marked (D.), and as to Greenwich out-pensions in the form set out in the schedule to this Act marked (E.), and as to all other the before-mentioned pensions and allowances payable by her Majesty's paymaster general in the form set out in the schedule to this Act marked (EE.); and every assignment shall be certified by the chairman and clerk of the said union at some meeting of the board of guardians, or by a churchwarden or overseer of such parish, or one of the heritors, and shall be attested by one of her Majesty's justices of the peace; and every such assignment shall be transmitted, within seven days after the same shall have been executed, and at least one month before the payment thereon shall become due, under cover, addressed, as to pensions payable at Chelsea Hospital or by the commissioners of the said hospital, to the secretary of Chelsea Hospital, with the words "Chelsea pensioner" written thereon, and with respect to naval pensions to the paymaster general, Out-pension Office, Tower Hill, with the words "Greenwich out-pension" written thereon, and as to all other the before-mentioned pensions, to the paymaster general, Whitehall, London, who shall thereupon respectively cause the payment thereof to be made to the said guardians of the union or parish, or to the churchwardens and overseers of the poor of the parish, or to the overseers of the poor alone where there are no churchwardens, or heritors and

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kirk session, for whose security the assignment shall have been made, in the same manner as the said payment would have been made to the person assigning the same if no such assignment had been made; and such guardians or churchwardens and overseers, or heritors and kirk session, are hereby authorized to receive the same, and to retain thereout, for the use of the said union or parish, so much as shall have been advanced and paid on security thereof; and the said guardians, churchwardens and overseers, or heritors and kirk session respectively, shall keep an account in writing of the sum or sums so advanced, and also, immediately upon the receipt of the said pension, shall pay the residue thereof (if any) to the pensioner by whom such assignment shall have been made; and if any question shall arise between the pensioner making any such assignment, and the guardians, or churchwardens and overseers of the poor, or heritors and kirk session, receiving the same, touching the amount which shall be due and payable to them respectively by virtue of any such assignment, the same shall be determined in a summary way by one of her Majesty's justices of the peace, and his order and determination therein shall be final and conclusive: Provided always, that no such assignment shall entitle the said guardians, or churchwardens and overseers, or heritors and kirk session, to whom the same shall be made, to receive the pension or allowance purporting to be thereby assigned, if the same shall not have been transmitted within seven days after the same shall have been executed, if the party assigning the same shall die before the time when such pension would have become payable to him, as if no such assignment thereof had been made: Provided also, that all assignments not made in conformity with the provisions of this Act shall be null and void.

Authorizing justices to make orders respecting pensions in certain cases.

4. And be it enacted, that when any pensioner or other person entitled to or in receipt of any army, naval, or other pension or allowance as aforesaid shall leave his wife or family in any union or parish, or shall suffer them to become chargeable to any union or parish, it shall be lawful for two or more of her Majesty's justices of the peace for the county or place in which such union or parish is situate, upon complaint thereof made on oath to them by any one or more of the guardians of any such union or parish, or any one of the churchwardens and overseers of the poor of such parish where no union or board of guardians is established, or by the relieving officer of such union or parish, or the heritors and kirk session in Scotland, and upon due and satisfactory proof being given to the said magistrates that the person so left is the lawful wife of the said pensioner, or the lawful child, (as the case may be,) by order under their hands and seals, as to army pensions payable at Chelsea Hospital or by the commissioners thereof in the form set out in the schedule to this Act marked (F.), and as to Greenwich out-pensions in the form set out in the schedule to this Act marked (G.), and

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as to all other the before-mentioned pensions and allowances payable by her Majesty's paymaster general in the form set out in the schedule to this Act marked (H.), to direct that one half of the next payment which shall become due of such pension or other allowance, in case it shall be the wife or one child only who shall have been so left or suffered to become chargeable, or two thirds thereof in case a wife and child, whether his own or a stepchild, or two or more children, shall have been left or suffered to become chargeable, shall be made to the guardians of such union or parish, or to the churchwardens and overseers of the poor of the parish, or heritors and kirk session, to which such wife or family shall have become chargeable; and such guardians or churchwardens and overseers of the poor, or heritors and kirk session, shall transmit or cause to be transmitted such order as to such army pensions as aforesaid to the commissioners for the affairs of the Royal Hospital at Chelsea, and with respect to such naval and other pensions as aforesaid to the paymaster general, Whitehall, London, in like manner and within the like period as any assignment is herein-before directed to be transmitted, which said commissioners of Chelsea Hospital and her Majesty's paymaster general respectively shall thereupon, and upon sufficient proof being given to their satisfaction respectively that the person whose pension shall be directed to be paid shall have been living when the same has become payable, and would have been entitled to receive the same if no such order had been made, cause the said payment of one moiety or two thirds, as the case may be, to be made to the said guardians of the union, or churchwardens and overseers of the poor of the parish, or heritors and kirk session, for whose security such order shall have been made; and the guardians or churchwardens and overseers of the poor, or heritors and kirk session, receiving any such pension by virtue of any such order, shall retain and apply the same, or so much thereof as shall have been actually expended for the purposes aforesaid, for the use and indemnity of the said union or parish, and shall pay the overplus (if any there shall be) to the pensioner or person entitled thereto; and upon the receipt of any such order as aforesaid by which the pension to be mentioned therein shall be directed to be paid as aforesaid, the payment thereof shall be suspended until sufficient proof, by the personal appearance of the pensioner before the collector of excise, or in such other manner as shall be directed by the lords and others commissioners of Chelsea Hospital, or paymaster general, shall have been given, to entitle the said guardians or churchwardens and overseers of the poor of the parish in such order named, or heritors and kirk session, to receive the money thereby directed to be paid to them; and upon the like proof, the other moiety or one third, as the case may be, of the quarterly payment of the said pension, shall be paid by the commissioners of Chelsea Hospital and her Majesty's paymaster general respectively to the pensioner entitled thereto, upon his own receipt: Provided that

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in all cases where it shall be made to appear to the said justices that the woman relieved or to be relieved as the wife of the said pensioner shall be notoriously profligate, or cohabiting with any other person than her said husband, it shall be lawful for the said justices and they are hereby required to refuse making any order with respect to the payment of the said pension.

* * * * * * *

When officers or seamen become lunatic their pensions payable to their wives, &c.

6. And whereas by an Act passed in the eleventh year of the reign of his late Majesty King George the Fourth, to amend and consolidate the laws relating to the pay of the royal navy, power is vested in the commissioners for executing the office of lord high admiral to direct pensions payable to the officers and seamen of the royal navy, and to the officers of marines and to marines, who shall become lunatic, or so much of such pensions as the said commissioners shall think fit, to be disposed of in the maintenance of such lunatic persons, and it is expedient that such power should be extended to the pensions, superannuations, and other allowances made to persons for services in the civil departments of the navy: Be it therefore enacted and declared, that in all cases when any such persons as last mentioned are or shall become lunatic, such pensions, superannuations, or other allowances, or so much thereof as the said commissioners for executing the office of lord high admiral shall deem expedient, shall and may be paid by the paymaster general to the wife, relative, or other person having the care and maintenance of the lunatic, to be applied towards his support; and the receipt of the wife, relative, or other person as aforesaid to whom the same shall be so paid shall be a sufficient discharge to the said paymaster general for the same.

Orders and assignments relating to the same quarter's pension to be paid according to priority of dates.

7. And be it enacted, that if it shall happen that the minute of any board of guardians, and any assignment by the person entitled, and any order of justices relating to the same pension, or any two of such instruments, shall, as to such army pensions, be received at Chelsea Hospital, and as to such Greenwich out-pensions be received at the pension office, Tower Hill, London, or as to any other of such pensions or other allowance as aforesaid be received at the office of the paymaster general at Whitehall, in any one quarter, the commissioners of Chelsea Hospital or her Majesty's paymaster general respectively shall pay the quarter's pension upon such one of the said respective instruments as shall have been first executed according to the date thereof, and duly transmitted, so as to enable the commissioners and her Majesty's paymaster general respectively, according to their usual course of forwarding the receipts for quarterly pensions, to confer such priority; and in the event of any such instruments being dated and received the same day, then a proportionate part of the pension to which such instruments relate shall be paid upon every or each of the said instruments.

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8. And whereas great frauds have been practised, and exorbitant and usurious interest obtained from pensioners, upon assignments made under colour of the said Act of the fifty-ninth year of the reign of his said late Majesty King George the Third, and according to the form set out in the said Act, although the money advanced thereon has not been advanced out of parish funds, nor to reimburse a parish for relief given to the prisoner by the churchwardens and overseers: Be it therefore enacted, that if any person entitled to pension or other allowance shall assign or aid or assist in making an assignment thereof, or of any quarterly or other payment thereof, to any person or persons whatsoever, except to the guardians of any union or parish, or to the churchwardens and overseers of the poor of the parish wherein such pensioner resides, or to the heritors and kirk session of any place in Scotland where such pensioner resides, and except for relief granted out of the funds of such union, parish, or townland to such pensioner or his wife or family residing with him in such parish, it shall be lawful for the lords and other commissioners of Chelsea Hospital, so far as relates to army or other pensions payable by such commissioners, and for the lord high admiral, or commissioners for executing the office of lord high admiral, with respect to naval and marine pensions or other allowance, immediately to take away the pension from the person so offending, or to suspend for any definite period the future payments thereof; and if any person or persons shall procure or induce a pensioner to make or aid or assist him in making any assignment of pension, superannuation, or other allowance as aforesaid, to any person or persons other than the guardians of any union or parish as aforesaid, or the churchwardens and overseers of the parish wherein such pensioner resides, or any heritors and kirk session in Scotland as aforesaid, or shall make or aid or assist in making any assignment which shall not be given by the said pensioner or person entitled to other allowance as aforesaid, and received by the said guardians, parish officers, or heritors and kirk session as a security for relief given or money granted or advanced out of the funds of such union, parish, townland, or place, and for reimbursing the guardians, churchwardens and overseers, or heritors and kirk session advancing the same, or shall receive or accept as payment or security for money or for goods advanced or agreed to be advanced to or lent or given to any such pensioner or person entitled as aforesaid, or shall demand or charge any interest or pecuniary or other compensation for advancing money upon any pension or other allowance so assigned or taken, or pretended to be assigned or taken, such person or persons shall for every such offence be deemed guilty of a misdemeanor, and shall upon every conviction thereof be punished by such fine or imprisonment, or both, as the court before which such person or persons shall be convicted shall adjudge.

To prevent frauds in assignments.

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The forging documents felony.

9. And be it enacted, that if any person shall forge or counterfeit or alter, or cause or procure to be forged, counterfeited, or altered, or knowingly and willingly act, aid, or assist in forging, counterfeiting, or altering, any minute, copy of minute, assignment of pension, superannuation, or other allowance as aforesaid, order, certificate, receipt, document, or authority whatsoever relating to or in anywise concerning the claiming or obtaining payment of any pension money or other allowance as aforesaid, or shall utter or publish as true, or knowingly and willingly act, aid, or assist in uttering or publishing as true, knowing the same to be forged, counterfeited, or altered, any such minute, copy, assignment, order, certificate, receipt, document, or authority relating to or anywise concerning the claiming or obtaining payment of any pension money or other allowance as aforesaid, or the name of any pensioner, justice of the peace, guardian, parish officer, or other officer, or any other person authorized, or supposed or purporting to be authorized, to sign any such minute, copy, assignment, order, certificate, receipt, document, or authority, with intent or in order to obtain, or to enable any other person to obtain, the payment of any such pension or pension money or other allowance as aforesaid from the commissioners of Chelsea Hospital or her Majesty's paymaster general respectively, or from any officer, under officer, clerk, or servant of the said commissioners of Chelsea Hospital or of her Majesty's paymaster general respectively, or from any person authorized or supposed to be authorized to pay any pension or pension money or other allowance as aforesaid, every such person so offending shall be guilty of felony, and shall and may be transported for such term of years, or suffer such other punishment, as the court before which such person or persons shall be convicted shall adjudge.

Definition of "parish."

10. And be it enacted, that the term "parish" shall extend, wherever the context shall so require, to all places separately maintaining their own poor.

SCHEDULES to which the foregoing Act refers.

SCHEDULE (A.)

Form of Minute of Board of Guardians.

THE guardians of the union or parish of , in the county of , do hereby certify to the lords and others commissioners of the Royal Hospital for soldiers at Chelsea in the county of Middlesex, that an out-pensioner from the regiment of at per diem, was on the day of received into the workhouse at [or that the wife or other relation whom the said is bound to maintain, as the case may be], by

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order of the said guardians; and the said guardians do thereupon, in pursuance of an Act passed in the year of her Majesty Queen Victoria, intituled [the title of this Act], require that the next quarter's pension of the said shall be paid to the said guardians, to be applied pursuant to the provisions of the said Act of Parliament.

Dated

Certified on the day of , at a meeting of the board of the said guardians by

A.B., Chairman.
C.D., Clerk.

To the Lords and others Commissioners of Chelsea Hospital.

SCHEDULE (B.)

Form of Minute of Board of Guardians.

THE guardians of the union or parish of , in the county of , do hereby certify to her Majesty's paymaster general, that , a Greenwich out-pensioner, No. , at per annum, was on the day of received into the workhouse at [or that the wife or other relation whom the said is bound to maintain, as the case may be], by order of the said guardians; and the said guardians do thereupon, in pursuance of an Act passed in the year of her Majesty Queen Victoria, intituled [the title of this Act], require that the next quarter's pension of the said shall be paid to the said guardians, to be applied pursuant to the provisions of the said Act of Parliament.

Dated

Certified on the day of at a meeting of the board of the said guardians by

A.B., Chairman.
C.D., Clerk.

To her Majesty's Paymaster General, Greenwich Out-pension Office, Tower Hill.

SCHEDULE (C.)

Form of Minute of Board of Guardians.

THE guardians of the union or parish of , in the county of , do hereby certify to her Majesty's paymaster general, that , a person entitled to [here state whether for pension or allowances in civil or military service, not as Chelsea or Greenwich out-pensioner] at per annum, was on the day of received into the workhouse at [or that the wife or other relation whom the said is bound to maintain, as the case may be], by order of the said guardians; and the said guardians do thereupon, in pursuance of an Act passed in the year of her Majesty Queen Victoria, intituled [the title of this Act], require that

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the next quarter's pension of the said shall be paid to the said guardians, to be applied pursuant to the provisions of the said Act of Parliament.

Dated

Certified on the day of , at a meeting of the board of the said guardians by

A.B., Chairman.
C.D., Clerk.

To her Majesty's Paymaster General,
Whitehall, London.

SCHEDULE (D.)

I [naming the pensioner, and the regiment from which he was discharged,] do hereby assign to the guardians of the union or parish of [or, as the case may be, the churchwardens and overseers of the poor of the parish of , or to the heritors and kirk session of], in which union [or parish] I am now residing, the next payment of my pension at the rate of per diem, granted to me as , and payable from , in order to secure to the said union [or parish] of the repayment of the sum of advanced to me by such guardians, [or churchwardens and overseers, or heritors and kirk session, as the case may be,] out of the funds of the said union [or parish].

, Pensioner.

Signed by the above-named before me, one of her Majesty's justices of the peace for this day of .

, Justice.

We do hereby certify the above assignment to be made pursuant to Act Victoria, cap. intituled [stating the title of this Act], and to be for relief given out of the funds of the said union [or parish] on the day of at a meeting of the board of the said guardians.

A.A., Chairman.
A.B., Clerk.
Or C.D., the Churchwarden, and
D.E., the Overseer of
Or E.F., one of the Heritors and
F.G., an Elder of

SCHEDULE (E.)

I [naming the pensioner] do hereby assign to the guardians of the union or parish of [or, as the case may be, the churchwardens and overseers of the poor of the parish of or to the heritors and kirk session of], in which union [or parish] I am now residing, the next payment of my Greenwich out-pension at the rate of per annum, granted to me as , and payable from in order to secure to the said union [or parish]

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of the repayment of the sum of , advanced to me by such guardians [or churchwardens or overseers, or heritors and kirk session, as the case may be,] out of the funds of the said union [or parish].

, Pensioner.

Signed by the above-named before me, one of her Majesty's justices of the peace for this day of .

, Justice.

We do hereby certify the above assignment to be made pursuant to Act Victoria, cap. intituled [stating the title of this Act], and to be for relief given out of the funds of the said union [or parish] on the day of at a meeting of the board of the said guardians.

A.A., Chairman.
A.B., Clerk.
Or C.D., the Churchwarden, and
D.E., the Overseer of
Or E.F., one of the Heritors, and
F.G., an Elder of

SCHEDULE (EE.)

I [naming the person] do hereby assign to the guardians of the union [or parish] of [or, as the case may be, the churchwardens and overseers of the poor of the parish of , or to the heritors and kirk session of], in which union [or parish] I am now residing, the next payment of my [here state whether for pension or allowances in civil or military services, not as Chelsea or Greenwich out-pensioner] at per annum, and payable from in order to secure to the said union [or parish] of , the repayment of the sum of advanced to me by such guardians [or churchwardens or overseers or heritors and kirk session, as the case may be,] out of the funds of the said union [or parish].

, Pensioner.

Signed by the above-named before me, one of her Majesty's justices of the peace for this day of .

, Justice.

We do hereby certify the above assignment to be made pursuant to Act Victoria, cap. intituled [stating the title of this Act], and to be for relief given out of the funds of the said union [or parish] on the day of , at a meeting of the board of the said guardians.

A.A., Chairman.
A.B., Clerk.
Or C.D., the Churchwarden, and
D.E., the Overseer of
Or E.F., one of the Heritors, and
F.G., an Elder of

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SCHEDULE (F.)

Form of Order to be made in pursuance of Victoria, Cap. .

County of } To the Right Honourable the Lords and others Commissioners of the Royal Hospital, Chelsea.

Whereas complaint upon oath hath been made unto us, two of her Majesty's justices of the peace acting in and for the said county, by the of the union [or parish] of , in the county aforesaid, that , late a soldier in the regiment of , but now a pensioner of the Royal Hospital at Chelsea from the said regiment at the rate of per diem, hath suffered his to become chargeable thereto, and that now maintained by the said union [or parish] at the expense of per week, and due proof having been given to us of the said being the lawful wife [or lawful children] of the said [or that the said is liable to maintain the said as the case may be]:

Now we do hereby, in pursuance of the statute in that case made and provided, order and direct, that [one moiety, or two thirds, as the case may be,] of the next payment which shall become due of such pension shall be paid by the said commissioners to the guardians [or churchwardens and overseers, or heritors and kirk session, as the case may be,] of the said union [or parish] of in order that they may retain and apply the same, or so much thereof as shall have been actually expended as aforesaid, for the use and indemnity of the said union [or parish], paying the overplus (if any) to the pensioner or person entitled thereto.

Given under our hands and seals, this day of , in the year of our Lord one thousand eight hundred and , at , in the county aforesaid.

SCHEDULE (G.)

Form of Order to be made in pursuance of Victoria, Cap. .

County of } To Her Majesty's Paymaster General.

Whereas complaint upon oath hath been made unto us, two of her Majesty's justices of the peace acting in and for the said county, by the of the union [or parish] of , in the county aforesaid, that a Greenwich out-pensioner, No. , at the rate of per annum, hath suffered his to become chargeable thereto, and that now maintained by the said union [or parish] at the expense of per week, and due proof having been given to us of the said being the lawful wife [or lawful children] of the said [or that the said is liable to maintain the said as the case may be]:

Now we do hereby, in pursuance of the statute in that case made and provided, order and direct, that [one moiety, or two thirds, as the case may be,] of the next payment which shall become due of such pension shall be paid by her Majesty's paymaster general to the guardians [or churchwardens and overseers, or heritors and kirk session, as the case may be,] of the said union [or parish] of in order

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that they may retain and apply the same, or so much thereof as shall have been actually expended as aforesaid, for the use and indemnity of the said union [or parish], paying the overplus (if any) to the pensioner or person entitled thereto.

Given under our hands and seals, this day of , in the year of our Lord one thousand eight hundred and , at , in the said county of .

SCHEDULE (H.)

Form of Order to be made in pursuance of Victoria, Cap. .

County of } To Her Majesty's Paymaster General.

WHEREAS complaint upon oath hath been made unto us, two of her Majesty's justices of the peace acting in and for the said county, by of the union [or parish] of , in the county aforesaid, that a person entitled to [here state whether for pension or allowances in civil or military service, not as Chelsea or Greenwich out-pensioner] at the rate of per annum, hath suffered his to become chargeable thereto, and that the said is [or are] now maintained by the said union [or parish] at the expense of per week, and due proof having been given to us of the said being the lawful wife or lawful children of the said or that the said is liable to maintain the said (as the case may be):

Now we do hereby, in pursuance of the statute in that case made and provided, order and direct, that [one moiety, or two thirds, as the case may be,] of the next payment which shall become due of such pension shall be paid by her Majesty's paymaster general to the guardians [or churchwardens and overseers, or heritors and kirk session, as the case may be,] of the said union [or parish] of in order that they may retain and apply the same, or so much thereof as shall have been actually expended as aforesaid, for the use and indemnity of the said union [or parish], paying the overplus (if any) to the pensioner or person entitled thereto.

Given under our hands and seals, this day of , in the year of our Lord one thousand eight hundred and , at , in the said county of .

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3 & 4 Victoria.—A.D. 1840.

CAP. XCVI.

An Act for the Regulation of the Duties of Postage.(1) [10th August 1840.]

Ship letters.

7. And be it enacted, that the postmaster general may collect and receive letters to forward by vessels not packet boats to places

(1) *See* 7 Will. IV. & 1 Vict. c. 36., p. 83, *ante*; 10 & 11 Vict. c. 85. ss. 7., 20., p. 125, *post*; 23 & 24 Vict. c. 65., *post*.

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beyond the seas, and may forward the same accordingly, and may collect and receive letters brought by any such vessels from places beyond the seas.

Gratuities to masters of vessels.

36. And for encouraging masters(1) of vessels, not being post office packets, to undertake the conveyance of letters; be it enacted, that the postmaster general may allow to masters of vessels, on letters and newspapers conveyed by them for or on behalf of the post office between places within the United Kingdom, a sum not exceeding two shillings and sixpence for each and every number of one hundred of such letters and newspapers, and for any less number in the like proportion, and may allow to the masters of vessels bound from the United Kingdom to the East Indies a sum not exceeding one penny for each letter and one halfpenny for each newspaper conveyed by them for or on behalf of the post office, and may allow to the masters of all other vessels a sum not exceeding twopence for each letter conveyed by them for or on behalf of the post office from the United Kingdom to places beyond sea, and may allow to the masters of all vessels not exceeding twopence for each letter brought into the United Kingdom, which they shall deliver at the post office at the first port at which they touch or arrive, or with which they communicate (all which gratuities may be paid at such times and places, and under all such regulations and restrictions, as the postmaster general shall in his discretion think fit); and every master of a vessel outward-bound shall receive on board his vessel every post letter bag tendered to him for conveyance, and having received the same shall deliver it, on his arrival at the port or place of his destination, without delay; and every master of a vessel inward-bound shall cause all letters on board his vessel (except those belonging to the owners of the vessel, or of the goods on board, which do not exceed the prescribed weights,) to be collected and inclosed in some bag or other envelope, and to be sealed with his seal, and to be addressed to any of her Majesty's deputy postmasters, that they may be in readiness to send on shore by his own boat, or by the pilot boat, or by any other safe or convenient means, in order that the same may be delivered at the first regular post office which can be communicated with, and at the regular port or place where the vessel shall report, shall sign a declaration in the presence of the person authorized by the postmaster general at such port or place, who shall also sign the same, and the declaration shall be in the form or to the effect following; (that is to say,)

Masters of outward-bound vessels to receive letters, and to deliver them at the first port of arrival.

Declaration to be made by masters.

'I A.B., commander of the [state the name of the ship or vessel], arriving from [state the place], do, as required by law, solemnly declare, that I have, to the best of my knowledge and belief, delivered or caused to be delivered to the post office every letter bag, package, or parcel of letters that were on

(1) The term "master" includes "commander of a ship of war," 7 Will. IV. & 1 Vict. c. 36. s. 47., p. 87, *ante*; and 3 & 4 Vict. c. 96. s. 71., p. 107, *post*.

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'board the [state the name of the ship], except such letters as are 'exempted by law.'

Officers of customs not to allow vessels to report before declaration made.

And no collector, comptroller, or principal officer of the customs shall permit such vessel to report till such declaration shall be made and produced; and no vessel shall be permitted by any officer of the customs to break bulk, or to make entry in any port of the British dominions, until all letters on board the same shall be delivered to the post office, where posts are or hereafter may be established, and from whence such letters may be despatched by post, except such letters, commissions, and other matters and things as are exempted by the Post Office Acts from the exclusive privilege of the postmaster general, and also except all such letters as shall be brought by a vessel liable to the performance of quarantine, all which last-mentioned letters shall be delivered by the person having possession thereof to the persons appointed to superintend the quarantine, that all proper precautions may be by them taken before the delivery thereof; and when due care has been had therein, the said letters shall be by them despatched in the usual manner by the post; and the principal officer of customs at every port shall search every vessel for letters which may be on board contrary to the Post Office Acts, and may seize all such letters and forward them to the nearest post office; and the officer who shall so seize and send them shall be entitled to a moiety of the penalties which may be recovered for any such offence; and in case an officer of her Majesty's customs shall find a letter superscribed as the letter of an owner or charterer, or consignee or shipper, exceeding the weight herein-before limited, then the officer shall seize so many of the letters as shall reduce the remainder within the proper weight, and he shall take the same to the nearest post office, and the postmaster of the place shall pay to the officer delivering the same any sum the postmaster general, with the consent of the lords of the Treasury, may think fit, not exceeding two shillings and sixpence for every post letter so seized; and the postmaster general may appoint any person to demand, from the masters of vessels arriving at or off a port of the United Kingdom, all letters on board the same not exempted by the Post Office Acts; and the master of any such vessel shall forthwith deliver all such letters on board to such person, on his demanding the same.

Allowance to masters of vessels for newspapers.

52. And be it enacted, that the postmaster general may allow the masters of vessels, other than packet boats, a sum not exceeding one penny on every printed newspaper, foreign or colonial, brought into the United Kingdom from a port or place out of the United Kingdom, and delivered by them at the post office of the post town at which they shall touch or arrive, and a sum not exceeding one penny on every printed newspaper conveyed by them for or on behalf of the post office from the United Kingdom to any port or place out of the same, in respect of which no gratuity is herein-before authorized to be allowed.

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Letters of sailors and soldiers.

53. And be it enacted that the following classes of persons may both send and receive letters, not exceeding half an ounce in weight by the post, on their own private concerns, at a postage of one penny for each letter; (namely,)

Every seaman employed in her Majesty's navy, whether at home or abroad, whilst such seaman shall be actually employed in her Majesty's service.

Every serjeant, corporal, drummer, trumpeter, fifer, and private soldier in her Majesty's regular forces, militia, fencible regiments, artillery, or royal marines, whether at home or abroad, whilst actually employed in her Majesty's service.

Every serjeant, corporal, drummer, trumpeter, fifer, and private soldier in the service of the East India Company whilst actually employed in the service of the company.

But the letters of commissioned officers or warrant officers, whether in the army or navy, or midshipmen, or masters mates of the navy, are not included in this provision.

And with respect to letters sent by any such privileged persons the following conditions shall be observed; (that is to say,) the postage of each letter (unless sent from parts beyond the seas as herein-after mentioned,) shall be paid (or the letter if posted within the United Kingdom, shall be duly and properly stamped,) on being put into a post office established under the authority of the postmaster general; and upon such letter shall be superscribed the name of the writer, and his class or description in the vessel, regiment, corps, or detachment to which he shall belong; and upon every such letter there shall be written in the handwriting of and signed by the officer having at the time the command of the vessel, or of the regiment, corps, or detachment to which the privileged person belongs, the name of such officer and the name of such vessel, or of such regiment, corps, or detachment.

And with respect to letters received by the post by any of the said privileged persons, the following conditions shall be observed; the postage of each letter (unless sent from parts beyond the seas as herein-after mentioned) shall be paid (or the letter if posted within the United Kingdom shall be duly and properly stamped) upon putting it into a post office established under the authority of the postmaster general, and it shall be directed to the privileged person, specifying on the superscription thereof the vessel or the regiment, corps, or detachment to which he shall belong; and the deputy postmaster of the place to which such letter shall be sent to be delivered shall not deliver such letter to any person except the person hereby privileged to whom it shall be directed, or to some person appointed to receive the same, by writing under the hand of the officer in command.

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And whenever the letters sent or received by any such privileged persons shall be sent from parts beyond the seas without the said postage of one penny being pre-paid, every such letter shall be charged to the party receiving the same with a rate of two-pence; and any letters received by the post under this enactment by any such privileged persons which may have been re-directed shall not be charged any postage on or in respect of such re-direction.

Privileged persons may send by private ships.

54. And be it enacted, that any such privileged persons may both send and receive letters, not exceeding half an ounce in weight, by private ships, between the United Kingdom and places beyond the seas, on their own private concerns, at the like postage for each letter, and subject to the like conditions and regulations, in all respects, as are herein-before mentioned in respect of letters sent and received by any such privileged persons by the post; but whenever the letters sent or received by any such privileged persons shall be conveyed, or be intended to be conveyed, by private ships, the gratuities payable by law to the masters of such vessels in respect of such letters shall in all cases be paid to the post office in addition to such postage.(1)

Gratuities to masters of vessels may be altered.

61. And be it enacted, that it shall be lawful for the commissioners of her Majesty's Treasury to make any reduction or increase or alteration they may consider expedient in the gratuities allowed by this Act to masters of vessels for letters and newspapers conveyed by them for or on behalf of the post office, or delivered by them to the post office, and to allow and authorize such gratuities for the conveyance of letters and newspapers to masters of vessels passing to or from or between any of her Majesty's colonies or possessions beyond the seas, as they shall think fit, and also to allow and authorize any gratuities to be paid to pilots, seamen, or others on the letters and newspapers they may bring to any post office from any vessels.

Interpretation clause.

71. And be it enacted, that the following terms and expressions whenever used in this or any other Post Office Act, shall have the several interpretations herein-after respectively set forth, unless such interpretations are repugnant to the subject or inconsistent with the context of the provisions in which they may be found; (that is to say,) * * * * * * the term "inward-bound" shall be held to include vessels bound as well to any port in the United Kingdom as to any port in any of her Majesty's colonies; and the term "outward-bound" shall be held to include vessels bound as well from any port in the United Kingdom as from any port in her Majesty's colonies; and that the term "United Kingdom" shall mean the United Kingdom of Great Britain and Ireland, and the islands of Man, Jersey,

(1) *See* 10 & 11 Vict. c. 85. s. 7., p. 125, *post*; 23 & 24 Vict. c. 65., *post*.

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Guernsey, Sark, and Alderney; and that the term "her Majesty's colonies" shall include every port and place within the territorial acquisitions now vested in the East India Company in trust for her Majesty, the Cape of Good Hope, the island of Saint Helena, the Ionian Islands, and Honduras, as well as her Majesty's other colonies and possessions beyond the seas (the islands of Man, Guernsey, Jersey, Alderney, and Sark only excepted); and that the term "by the post" shall extend to and include the transmission of post letters as well by any general or twopenny or penny or convention post as by packet boat; and the term "post town" shall include every city, town, and place where a post office is or shall be established; and that the several other terms and expressions used in this Act shall be construed according to the respective interpretations of the terms and expressions contained in the said Act passed in the first year of the reign of her present Majesty, intituled "An Act for consolidating the laws relative to "offences against the post office of the United Kingdom, and for "regulating the judicial administration of the post office laws, "and for explaining certain terms and expressions employed in "those laws," so far as those interpretations are not repugnant to the subject or inconsistent with the context of such terms and expressions.

7 Will. 4. & 1 Vict. c. 36.

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5 & 6 Victoria.—A.D. 1842.

Cap. LV.

An Act for the better Regulation of Railways, and for the Conveyance of Troops. [30th July 1842.]

Railway companies shall convey military and police forces at prices to be settled.

[**20.**(1) And be it enacted, that whenever it shall be necessary to move any of the officers or soldiers of her Majesty's forces of the line, ordnance corps, marines,(2) militia, or the police force, by any railway, the directors thereof shall and are hereby required to permit such forces respectively, with their baggage, stores, arms, ammunition, and other necessaries and things, to be conveyed at the usual hours of starting, at such prices or upon such conditions as may from time to time be contracted for between the secretary at war and such railway companies for the conveyance of such forces, on the production of a route or order for their conveyance signed by the proper authorities.]

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(1) This section is repealed by 46 & 47 Vict. c. 34. s. 10. except so far as 5 & 6 Vict. c. 55. applies to Ireland, and except as respects the conveyance of forces by companies who lose the benefit of 46 & 47 Vict. c. 34.

(2) Compare as to conveyance of marines by railway, 7 & 8 Vict. c. 85. s. 12., p. 114, *post*.

As to conveyance by railway of the officers or men in her Majesty's navy, *see* 16 & 17 Vict. c. 69. s. 18., p. 135, *post*.

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21. And be it enacted, that whenever the word "railway" is used in this or in the said recited Act, it shall be construed to apply to all railways used or intended to be used for the conveyance of passengers in or upon carriages drawn or impelled by the power of steam or by any other mechanical power; and whenever the word "company" is used in this or in the said recited Act it shall be construed to extend to and include the proprietors for the time being of any such railway, whether a body corporate or individuals, and their lessees, executors, administrators, and assigns, unless in either of the above cases the subject or context be repugnant to such construction. Meaning of the words "railway" and "company."

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5 & 6 Victoria.—A.D. 1842.

Cap. XCIV.

An Act to consolidate and amend the Laws relating to the Services of the Ordnance Department, and the vesting and Purchase of Lands and Hereditaments for those Services, and for the Defence and Security of the Realm.(1) [10th August 1842.]

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5. And be it enacted, that immediately from and after the passing of this Act all messuages, buildings, castles, forts, lines, or other fortifications, manors, lands, tenements, and hereditaments, save and except as herein-after is mentioned, which have been heretofore set apart for the use and service or placed under the charge of the ordnance or late barrack department, or which have been heretofore set apart for or placed under the charge of any person or persons acting under the authority of or in trust for her Majesty or of her royal predecessors, for the use and service of the said departments, or for military defences, or which have been heretofore held, used, or occupied, or purchased, vested, or taken by or in the name of or by any person or persons in trust for her Majesty or her royal predecessors, or her or their heirs or successors, for the use and service of the said departments, or for the defence and security of the realm, either in fee or for any life or lives, or otherwise howsoever, and all erections and buildings which now are or which shall or may hereafter be erected and built thereon, together with the rights, members, easements, and appurtenances to the same respectively belonging, shall be and become and continue vested in the principal officers of her Majesty's ordnance for the time being, and their successors in the said office, according to the nature and quality of and the respective estates and interests in such messuages, buildings, Lands, &c. purchased for the service of the ordnance, and all buildings, &c. thereon, vested in the principal officers.

(1) *See* the Defence Act Amendment Act, 1864, 27 & 28 Vict. c. 89., *post*.

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castles, forts, lines, or other fortifications, manors, lands, tenements, and hereditaments, in trust for her Majesty, her heirs and successors, for the service of the said ordnance department, or for such other public service or services as her said Majesty, her heirs or successors, shall from time to time by any order in council be pleased to direct.

Lands to be hereafter taken, &c. to be vested in the same manner.

6. And be it enacted, that from and after the setting apart or placing under charge or purchase and conveyance, grant or demise thereof, all other messuages, buildings, castles, forts, lines, or other fortifications, manors, lands, tenements, and hereditaments, which shall at any time or times hereafter be set apart for the use and service or placed under the charge of the ordnance or late barrack department, or which shall be hereafter set apart for or placed under the charge of any person or persons acting under the authority of or in trust for her Majesty or her royal predecessors, for the use and service of the said departments, or for military defences, or which shall be hereafter held, used, or occupied, or purchased, vested, or taken by or in the name of or by any person or persons in trust for her Majesty or her royal predecessors, or her or their heirs or successors, for the use and service of the said departments, or for the defence and security of the realm, and all erections and buildings which shall then or which may thereafter be erected and built thereon, with the rights, members, easements, and appurtenances to the same respectively belonging, shall be and become and remain and continue vested in the principal officers of her Majesty's ordnance for the time being, and their successors in the said office, according to the nature and quality of and the respective estates and interests in such messuages, buildings, castles, forts, lines, or other fortifications, manors, lands, tenements, and hereditaments, in trust for her Majesty, her heirs and successors, for the service of the said ordnance department, or for such other public service or services as her said Majesty, her heirs or successors, shall from to time, by any order in council, be pleased to direct.

Officers may convey, &c. hereditaments vested in them to a trustee, &c.

7. * * * * * * * * * * * * * * * * it shall be lawful for the said principal officers for the time being to convey, surrender, or assign all or any of the hereditaments and premises which now are or hereafter shall be vested in them, and to direct all or any of the hereditaments and premises which shall hereafter be agreed to be purchased or taken by them, to be conveyed, surrendered, or assigned to a trustee or trustees, for the use of the ordnance department, or the defence of the realm, upon the trusts to which the same shall or ought to be subject, in case from any circumstance whatsoever it shall in the judgment of the said principal officers for the time being be expedient so to do, anything herein or in the said recited Acts contained to the contrary notwithstanding.

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6 & 7 Victoria.—A.D. 1843.

Cap. XCVIII.

An Act for the more effectual Suppression of the Slave Trade.(1) [24th August 1843.]

WHEREAS an Act was passed in the fifth year of the reign of King George the Fourth, intituled "An Act to amend "and consolidate the laws relating to the abolition of the slave "trade," whereby it is enacted (among other things), that it shall not be lawful (except in such special cases as are herein-after mentioned) for any persons to deal or trade in, purchase, sell, barter, or transfer, or to contract for the dealing or trading in, purchase, sale, barter, or transfer of slaves or persons intended to be dealt with as slaves; or to carry away or remove, or to contract for the carrying away or removing of slaves or other persons as or in order to their being dealt with as slaves; or to import or bring, or to contract for the importing or bringing, into any place whatsoever, slaves or other persons as or in order to their being dealt with as slaves; or to ship, tranship, embark, receive, detain, or confine on board, or to contract for the shipping, transhipping, embarking, receiving, detaining, or confining on board of any ship, vessel, or boat, slaves or other persons for the purpose of their being carried away or removed as or in order to their being dealt with as slaves; or to ship, tranship, embark, receive, detain, or confine on board, or to contract for the shipping, transhipping, embarking, receiving, detaining, or confining on board, of any ship, vessel, or boat, slaves or other persons for the purpose of their being imported or brought into any place whatsoever as or in order to their being dealt with as slaves; or to fit out, man, navigate, equip, despatch, use, employ, let, or take to freight or on hire, or to contract for the fitting out, manning, navigating, equipping, despatching, using, employing, letting, or taking to freight or on hire, any ship, vessel, or boat, in order to accomplish any of the objects or the contracts in relation to the objects which objects and contracts have herein-before been declared unlawful; or to lend or advance, or become security for the loan or advance, or to contract for the lending or advancing, or becoming security for the loan or advance of money, goods, or effects employed or to be employed in accomplishing any of the objects or the contracts in relation to the objects which objects and contracts have herein-before been declared unlawful; or to become guarantee or security, or to contract for the becoming guarantee or security, for agents employed or to be employed in accomplishing any of the objects or the contracts in relation to the objects which objects and contracts have herein-before been declared unlawful; or in any other manner to engage or to contract to engage, directly or indirectly, therein as a partner, agent, or otherwise; or to ship,

5 Geo. 4. c. 113.

(1) *See* 5 Geo. 4. c. 113., p. 42, *ante*, and 36 & 37 Vict. c. 88., *post*, which are construed together with this Act.

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tranship, lade, receive, or put on board, or to contract for the shipping, transhipping, lading, receiving, or putting on board of any ship, vessel, or boat, money, goods, or effects to be employed in accomplishing any of the objects or the contracts in relation to the objects which objects and contracts have herein-before been declared unlawful; or to take the charge or command, or to navigate or enter and embark on board, or to contract for the taking the charge or command or for the navigating or entering and embarking on board of any ship, vessel, or boat, as captain, master, mate, petty officer, surgeon, supercargo, seaman, marine, or servant, or in any other capacity, knowing that such ship, vessel, or boat is actually employed, or is in the same voyage, or upon the same occasion, in respect of which they shall so take the charge or command, or navigate or enter and embark, or contract so to do as aforesaid, intended to be employed in accomplishing any of the objects or the contracts in relation to the objects which objects and contracts have herein-before been declared unlawful; or to insure or to contract for the insuring of any slaves, or any property, or other subject matter engaged or employed or intended to be engaged or employed in accomplishing any of the objects or the contracts in relation to the objects which objects and contracts have herein-before been declared unlawful: And whereas it is expedient that from and after the commencement of this Act the provisions of the said Act herein-before recited shall be deemed to apply to, and extend to render unlawful, and to prohibit the several acts, matters, and things therein mentioned when committed by British subjects in foreign countries and settlements not belonging to the British Crown, in like manner and to all intents and purposes as if the same were done or committed by such persons within the British dominions, colonies, or settlements; and it is expedient that further provisions should be made for the more effectual suppression of the slave trade, and of certain practices tending to promote and encourage it: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that all the provisions of the said consolidated Slave Trade Act herein-before recited and of this present Act shall, from and after the coming into operation of this Act, be deemed to extend and apply to British subjects wheresoever residing or being, and whether within the dominions of the British Crown or of any foreign country; and all the several matters and things prohibited by the said consolidated Slave Trade Act or by this present Act, when committed by British subjects, whether within the dominions of the British Crown or in any foreign country, except only as is herein-after excepted, shall be deemed and taken to be offences committed against the said several Acts respectively, and shall be dealt with and punished accordingly: Provided nevertheless, that nothing herein contained shall repeal or alter any of the provisions of the said Act.

The recited Act and this Act shall apply to all British subjects wherever residing.

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2. And be it declared and enacted, that all persons holden in servitude as pledges for debt, and commonly called "pawns," or by whatsoever other name they may be called or known, shall, for the purposes of the said consolidated Slave Trade Act, and of an Act passed in the third and fourth years of the reign of King William the Fourth, intituled "An Act for the abolition of slavery "throughout the British colonies, for promoting the industry of "the manumitted slaves, and for compensating the persons "hitherto entitled to the services of such slaves," and of this present Act, be deemed and construed to be slaves or persons intended to be dealt with as slaves.

What persons are designated by the term slaves.

3 & 4 Will. 4. c. 73.

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4. And whereas the provisions heretofore made for the hearing and determining in England of offences committed against the Acts for the abolition of the slave trade in places out of this United Kingdom have been found ineffectual, by reason of the difficulty of proving in this kingdom matters and things done elsewhere: Be it enacted, that in all cases of indictment or information laid or exhibited in the Court of Queen's Bench for misdemeanors or offences committed against the said Acts or against this present Act in any places out of the United Kingdom, and within any British colony, settlement, plantation, or territory, it shall and may be lawful for her Majesty's said court, upon motion to be made on behalf of the prosecutor or defendant, to award a writ or writs of mandamus, requiring the chief justice or other chief judicial officer in such colony, settlement, plantation, or territory, who are hereby respectively authorized and required accordingly to hold a court, with all convenient speed, for the examination of witnesses and receiving other proofs concerning the matters charged in such indictments or informations respectively, and in the meantime to cause public notice to be given of the holding of such courts, and summonses to be issued for the attendances of witnesses and of agents and counsel of the parties; and such examination as aforesaid shall be then and there openly and publicly taken in the said court vivâ voce, upon the respective oaths of the persons examined, and be reduced to writing, and be sent to her Majesty in her Court of Queen's Bench (in manner set forth and prescribed in an Act passed in the thirteenth year of George the Third, chapter sixty-three, intituled "An Act for establishing certain regulations for "the better management of the affairs of the East India Company "as well in India as in Europe"); and such depositions, being duly taken and returned according to the true intent and meaning of this Act, shall be allowed and read, and shall be deemed as good and competent evidence as if such witnesses had been present and sworn, and examined vivâ voce at any trial for such misdemeanors and offences as aforesaid in her Majesty's said Court of Queen's Bench, any law or usage to the contrary thereof notwithstanding.

Evidence may be taken abroad, and transmitted to the Court of Queen's Bench.

13 Geo. 3. c. 63.

5. Provided always, and be it enacted, that in all the cases in which the holding or taking of slaves shall not be prohibited by

In cases not prohibited hereby slaves

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may be sold or transferred.

this or any other Act of Parliament, it shall be lawful to sell or transfer such slaves, anything in this or any other Act contained notwithstanding.

Act not to extend to persons obtaining slaves by inheritance, &c.

6. Provided always, and be it enacted, that nothing in this Act contained shall be taken to subject to any forfeiture, punishment, or penalty any person for transferring or receiving any share in any joint stock company established before the passing of this Act in respect of any slave or slaves in the possession of such company before such time, or for selling any slave or slaves which were lawfully in his possession at the time of passing this Act, or which such persons shall or may have become possessed of or entitled unto bonâ fide prior to such sale, by inheritance, devise, bequest, marriage, or otherwise by operation of law.

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7 & 8 Victoria.—A.D. 1844.

Cap. LXXXV.

An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament; and for other Purposes in relation to Railways. [9th August 1844.]

Certain companies to convey military and police forces at certain charges. 5 & 6 Vict. c. 55.

[**12.**(1) And whereas by an Act passed in the sixth year of the reign of her Majesty, intituled "An Act for the better regu- "lation of railways, and for the conveyance of troops," it was among other things enacted, that whenever it shall be necessary to move any of the officers or soldiers of her Majesty's forces of the line, ordnance corps, marines,(2) militia, or the police force, by any railway, the directors thereof shall and are hereby required to permit such forces respectively, with their baggage, stores, arms, ammunition, and other necessaries and things, to be conveyed at the usual hours of starting, at such prices or upon such conditions as may from time to time be contracted for between the secretary at war and such railway companies for the conveyance of such forces, on the production of a route or order for their conveyance signed by the proper authorities; and whereas it is expedient to amend such provision in regard to the prices and conditions of conveyance by any new railway or any

(1) This section is repealed by 46 & 47 Vict. c. 34. s. 10., except so far as 7 & 8 Vict. c. 85. applies to Ireland, and except as respects the conveyance of forces by companies who lose the benefit of 46 & 47 Vict. c. 34.

(2) *See* as to the conveyance of marines by railway, 5 & 6 Vict. c. 55. s. 20., p. 108, *ante*.

As to the conveyance by railway of officers or men in her Majesty's navy, *see* 16 & 17 Vict. c. 69. s. 18., p. 135, *post*.

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railway obtaining new powers from Parliament; be it enacted that all railway companies which have been or shall be incorporated by any Act of the present or any future session, or which by any Act of the present or any future session shall have obtained or shall obtain any extension or amendment of the powers conferred by their previous Acts or any of them, or have been or shall be authorized to do any act unauthorized by the provisions of such previous Acts, shall be bound to provide such conveyance as aforesaid for the said military, marine, and police forces, at fares not exceeding twopence per mile for each commissioned officer proceeding on duty, such officer being entitled to conveyance in a first-class carriage, and not exceeding one penny for each mile for each soldier, marine, or private of the militia or police force, and also for each wife, widow, or child above twelve years of age of a soldier entitled by Act of Parliament or by competent authority to be sent to their destination at the public expense, children under three years of age so entitled being taken free of charge, and children of three years of age or upwards, but under twelve years of age, so entitled, being taken at half the price of an adult; and such soldiers, marines, and privates of the militia or police force, and their wives, widows, and children so entitled, being conveyed in carriages which shall be provided with seats, with sufficient space for the reasonable accommodation of the persons conveyed, and which shall be protected against the weather; provided that every officer conveyed shall be entitled to take with him one hundredweight of personal luggage without extra charge, and every soldier, marine, private, wife, or widow shall be entitled to take with him or her half a hundredweight of personal luggage without extra charge, all excess of the above weights of personal luggage being paid for at the rate of not more than one halfpenny per pound, and all public baggage, stores, arms, ammunition, and other necessaries and things (except gunpowder and other combustible matters, which the company shall only be bound to convey at such prices and upon such conditions as may be from time to time contracted for between the secretary at war and the company,) shall be conveyed at charges not exceeding twopence per ton per mile, the assistance of the military or other forces being given in loading and unloading such goods.]

Interpretation of Act.

25. And be it enacted, that where the word "railway" is used in this Act it shall be construed to extend to railways constructed under the powers of any Act of Parliament; and when the words "passenger railway" are used in this Act, they shall be construed to extend to railways constructed under the powers of any Act of Parliament upon which one third or more of the gross annual revenue is derived from the conveyance of passengers by steam or other mechanical power; and whenever the word "company" is used in this Act it shall be construed to extend to include the proprietors for the time being of any such railway; and that where a different sense is not expressly declared, or does not appear by the context, every word importing the singular number

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or the masculine gender shall be taken to include females as well as males, and several persons and things as well as one person or thing.

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8 & 9 Victoria.—A.D. 1845.

Cap. XXII.

An Act to enable the Commissioners of Greenwich Hospital to widen and improve Fisher Lane in Greenwich; and for other Purposes connected with the Estates of the said Commissioners. [8th May 1845.]

Lands, &c. to vest in commissioners after payment or tender of purchase money.

21. And be it enacted, that from and immediately after the actual payment or tender being made of the money contracted or agreed or assessed or awarded to be paid as the purchase money or compensation for any houses, buildings, lands, tenements, or hereditaments, or any estate or interest therein, which shall be purchased or taken for the purposes of this Act, either to the body or bodies, person or persons respectively entitled to receive such money, or, where the case shall so require or allow, into the Bank of England for the purpose of being disposed of in the manner in this Act directed concerning the same, all and every the tenements and hereditaments, and also all the estates or interests for or in respect whereof such money shall have been so paid or tendered, shall absolutely vest in the said commissioners of Greenwich Hospital and their successors; and the said commissioners and their successors shall be deemed in law to be in the actual seisin and possession thereof to all intents and purposes, freed and discharged from all former and other estates, rights, titles, and interests, claims and demands, as fully and effectually as if every body or person having any estate or interest in the premises had actually conveyed the same by lease, or by any conveyance, deed, act, or assurance in the law whatsoever; and such payment or tender shall not only bar all right, title, interest, claim, or demand of the body or bodies, person or persons, or unknown person or persons, of, in, or to the same premises to whom or to whose credit or for whose benefit such payment or tender shall have been made, but also shall extend to and be deemed and construed to bar the dower or dowers of the wife and wives of such person or persons, and all estates tail, and other estates in possession, reversion, remainder, expectancy, or contingency, and the issue and issues of such person and persons, and every other person whomsoever: Provided nevertheless, that before such payment or tender it shall not be lawful for the said commissioners of Greenwich Hospital, or their successors, or any person or persons authorized by them, to take possession of any of the said houses, buildings, lands, tenements, or hereditaments

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comprised in or affected by such agreement or verdict respectively, or to enter upon or use the same for any of the purposes of this Act.

Power of commissioners to lease mines, &c. for 21 years authorized by 10 Geo. 4. c. 25. extended to leasing them for 42 years, subject to the provisions in the said Act.

37. And whereas by an Act passed in the tenth year of the reign of his late Majesty King George the Fourth, intituled "An Act for the better management of the affairs of Green-"wich Hospital,"(1) the commissioners of Greenwich Hospital and their successors are authorized from time to time and at all times thereafter, in such manner as they shall deem expedient, with the approval and consent of the lord high admiral or the commissioners for executing the office of lord high admiral for the time being, to grant, demise, and lease all and every or any of the mines of lead, ironstone, and coal, and other minerals and quarries within, under, and upon any of the lands or estates for the time being vested in or belonging to the commissioners of Greenwich Hospital and their successors, and also any part or parts of the said lands and hereditaments which may be thought expedient or proper to be let therewith for the better or more effectually working the same, unto any person or persons for any term or number of years, not exceeding twenty-one years, and subject to the restrictions and provisions in the said Act in that behalf mentioned: And whereas it is expedient that the said commissioners should, with such approval and consent as aforesaid, have power to grant such leases for any term not exceeding forty-two years; be it enacted, that it shall be lawful for the said commissioners of Greenwich Hospital and their successors, with the approval and consent of the lord high admiral or commissioners for executing the office of lord high admiral for the time being, to grant, demise, and lease for the term of forty-two years, all mines, minerals, and quarries, and lands and hereditaments expedient or proper to be let therewith, as by the said Act of the tenth year of the reign of his late Majesty King George the Fourth the said commissioners and their successors are authorized to grant, demise, and lease for the term of twenty-one years, but subject nevertheless to the restrictions and provisions in the said Act in that behalf contained.

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10 & 11 Victoria.—A.D. 1847.

Cap. XXXVIII.

An Act to facilitate the Drainage of Lands in England and Wales. [21st June 1847.]

No person acting under this Act to con-

19. Provided always, and be it enacted, that it shall not be lawful for any person acting or pretending to act under this

(1) 10 Geo. 4. c. 25., all repealed by 28 & 29 Vict. c. 89. s. 4., except ss. 35., 36., which refer to the patronage of livings vested in the Admiralty.

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struct works, &c. on the sea shore without consent of the Admiralty.

Act(1) to make or construct, alter or extend, on the shore of the sea, or of any creek, bay, or arm of the sea, or any navigable river communicating therewith, where and so far up the same as the tide flows, any work which might not have been lawfully made or constructed in case this Act had not been passed without the previous consent of the lord high admiral of the United Kingdom of Great Britain and Ireland, or the commissioners for executing the office of lord high admiral of the United Kingdom aforesaid for the time being, to be signified in writing under the hand of the secretary of the Admiralty, and then only according to such plan and under such restrictions and regulations as the said lord high admiral, or commissioners for executing the office of lord high admiral aforesaid, may approve of, such approval being signified as last aforesaid; and if any such work shall be commenced or completed contrary to the provisions of this Act, it shall be lawful for the said lord high admiral, or the commissioners for executing the office of lord high admiral aforesaid, at his or their discretion, to abate and to remove the same, and to restore the site thereof to its former condition, at the cost of the person, or of any one or more of the persons by whom the same shall have been so commenced or completed; and nothing herein contained shall authorize or enable any person acting or pretending to act under this Act to make or construct any work injurious to the navigation of any navigable river or canal, or to use or occupy land between high and low water mark, without the consent of her Majesty's commissioners of woods and forests.

Definition of terms.

20. And be it enacted, that in the construction of this Act (except where the nature of the provision or the context of the Act is repugnant to such construction) "the commissioners" shall mean the said inclosure commissioners for England and Wales; and the word "plan" shall extend to drawings and sections; and the word "river" shall extend to all rivers, rivulets, lakes, canals, streams, and estuaries; and the word "person" and the word "proprietor" shall extend to the Queen's Majesty, and to all bodies politic, corporate, or collegiate, and also all bishops, parsons, and other ecclesiastical persons; the words "persons interested in the land" shall mean such persons as would be deemed to be so interested under the provisions of the said Act of the eighth and ninth years of her present Majesty; the word "agent" shall extend to any person employed to receive rents; the word "justice" shall mean justice of the peace acting for the county, riding, city, division, liberty, or other place where the matter requiring the cognizance of any such justice shall arise, and who shall not be interested in the matter; and the words "churchwarden" and "parish" shall respectively extend to any chapelwarden, or other officer executing any similar duties, and to any township or other division or

(1) These provisions appear not to be affected by Harbours Transfer Act, 1862 (25 & 26 Vict. c. 69.), *post.*

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extra-parochial place for which such officer is appointed; and where any matter shall be authorized or required to be done by two justices the expression "two justices" shall be understood to mean two or more justices assembled and acting together in petty sessions; and every word importing the singular number only shall extend and be applied to several persons or things as well as one person or thing; and every word importing the plural number shall extend and be applied to one person or thing as well as several persons or things; and every word importing the masculine gender only shall extend and be applied to a female as well as a male.

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10 & 11 Victoria.—A.D. 1847.

CAP. LXII.

An Act for the Establishment of Naval Prisons, and for the Prevention of Desertion from Her Majesty's Navy.(1) [2d July 1847.]

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Apprehension of deserters.

9. And be it enacted, that it shall be lawful for the constable of any place where any person reasonably suspected to belong to her Majesty's navy, and to be a deserter or improperly absent from his duty, shall be found, or of any adjoining place, and if no such constable can be immediately met with to secure him then for any person in her Majesty's service, to apprehend or cause such suspected person to be apprehended, and cause him to be brought before any justice in the United Kingdom, or in any of her Majesty's dominions or territories, * * * * in or near such place, who shall examine such suspected person, and if by his confession, or the testimony of one or more witness or witnesses upon oath, or by the knowledge of such justice, it shall appear that any person brought before him is a person belonging to her Majesty's navy, improperly absent from his duty, such justice shall forthwith cause him to be conveyed to the nearest or most convenient public prison, and shall transmit an account thereof to the secretary of the Admiralty, or to any commander-in-chief or officer commanding any one of her Majesty's ships or vessels, with a description of such person and the name of the ship or vessel to which he shall or may be suspected to belong, or if any such offender shall be apprehended by any person in her Majesty's service, or shall be apprehended in the vicinity of any one of her Majesty's ships or vessels in commission, then such justice shall order him to be taken on board any such ship or vessel, instead of committing him to prison; and in all cases the justice shall

(1) *See*, as to imprisonment, Naval Discipline Act (29 & 30 Vict. c. 109.), ss. 70.-83., *post*.

The Act is applied to the coastguard by the Coastguard Service Act, 1856 (19 & 20 Vict. c. 88.), s. 8., p. 248, *post*.

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certify the name of the person by whom the offender was apprehended, and such last-mentioned person shall be entitled to a reward for such apprehension, according to the amount which is or may be established by the naval regulations or instructions for the time being in that behalf, or in case the apprehension shall be under circumstances for which no reward is or may be established, the amount of such reward shall be any sum in the discretion of the lord high admiral, or the said commissioners, or of the officer commanding the vessel to which the deserter or person who shall have been improperly absent shall belong, not exceeding three pounds, and the reward shall in every case be paid and charged against the wages or pay of any such offender, and stopped out of the same; and for every such information, commitment, or order and account as aforesaid the clerk of the said justice may be entitled to a fee of two shillings and no more, and every gaoler and other person into whose custody any such offender is committed shall immediately upon the receipt of him pay such fee of two shillings, and also upon the production of a receipt from the medical practitioner who may have been required to examine such suspected person a fee of two shillings and sixpence, and such sums shall be repaid to such gaoler or other person, and the same, together with sixpence for every day the offender shall be in his custody, which shall be paid to such gaoler or other person, shall be charged against the pay or wages of the offender, and every goaler or other person having the custody of any such offender shall deliver him up to any person authorized to take charge of him by the lord high admiral, or the commissioners for executing the office of lord high admiral, or by any naval commander-in-chief, or the officer commanding any one of her Majesty's ships or vessels, and any person so authorized shall convey him in safe custody on board any one of her Majesty's ships or vessels in commission.

Fraudulent confession of desertion.

10. And be it enacted, that any person who shall voluntarily deliver himself up as and confess himself to be a deserter from any one of her Majesty's ships or vessels, or improperly absent from such ship or vessel, or who while serving in any of her Majesty's forces, or the embodied militia, * * * * shall to any officer or non-commissioned officer thereof confess himself to be a deserter as aforesaid, or improperly absent as aforesaid, or or who, upon being apprehended for any offence, shall in the presence of the justice confess himself to be a deserter, or improperly absent from his ship or vessel as aforesaid, and his statement shall not be true, he shall, if received into her Majesty's naval service, be deemed in her Majesty's navy, and be liable to serve and be detained therein as if he had voluntarily entered, or in case such person shall not be received into her Majesty's navy, he shall, on conviction thereof before two justices of the peace, at or near the place where he shall deliver himself up or confess or where he may at any time happen to be, be adjudged to be punished, if in England, as a rogue and a vagabond, and if in

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Scotland or Ireland, by commitment to some prison or house of correction, there to be kept to hard labour for any time not exceeding three months.

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Penalty as regards gaolers, &c.

12. And be it enacted, that every governor, gaoler, and keeper of any prison, gaol, or house of correction, and every officer having the charge or command of any place, ship, or vessel for imprisonment, who shall refuse or neglect to receive or confine, remove, discharge, or deliver up any prisoner or offender as herein prescribed, shall forfeit for every such refusal or neglect the sum of one hundred pounds.

Recovery and application of penalties.

13. And be it enacted, that all penalties and forfeitures imposed by this Act shall and may be recovered, with costs, either by information or complaint, by summary proceedings before any justice or justices of the peace residing in or near to the place where the offence shall be committed, or where the offender shall at any time happen to be, and whether the offence be committed in or out of her Majesty's dominions, or within the jurisdiction of the Admiralty of England or not; and if the sum imposed as a penalty by any such justice or justices shall not be paid, either immediately after the conviction or within such reasonable time as such justice or justices shall at the time of the conviction appoint, it shall be lawful for the justice or justices to commit the offender or offenders to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of such justice or justices, [(1)for any term not exceeding six calendar months, the commitment to be determinable upon payment of the amount and costs]; and all penalties and forfeitures recoverable under this Act shall be paid and applied in manner following; (that is to say,) one moiety of such penalty shall be paid to the informer or complainant, and the residue thereof shall be paid to the commissioners of Greenwich Hospital, anything in an Act passed in the sixth year of the reign of his late Majesty King William the Fourth, intituled "An Act "to provide for the regulation of municipal corporations in England "and Wales," or in any other Act or Acts of Parliament, to the contrary notwithstanding.

5 & 6 Will. 4. c. 76.

Power to summon witnesses.

[14.(2) And be it enacted, that any justice or justices of the peace may summon any witness to appear and give evidence before him or them upon any matter cognizable under this Act, at a time and place appointed for hearing the information or complaint, and by warrant under his hand and seal or their hands and seals may require any person to be brought before him or them who shall neglect or refuse to appear to give evidence at the time or place appointed in such summons, proof upon oath being first given of personal service of the summons upon the person against whom such warrant shall be granted; and such justice or justices may commit any

(1) The words in brackets are repealed as to England by 47 & 48 Vict. c. 43. s. 4.
(2) Sec. 14. is repealed as to England by 47 & 48 Vict. c. 43. s. 4., except so far as it applies to a proceeding under sec. 9. *See* p. 119, *ante*.

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person coming or brought before him or them who shall refuse to give evidence to any common gaol or house of correction, there to remain without bail or mainprise for any time not exceeding six calendar months, or until such person shall sooner submit himself to be examined, and in case of such submission the order of any such justice or justices shall be sufficient warrant for the discharge of such person.]

Form of conviction.

[15.(1) And be it enacted, that the justice or justices before or by whom any person or persons shall be summarily convicted of any offence against this Act may cause the conviction to be drawn up in the following form of words, or in any other form of words to the same effect, as the case shall require; (that is to say,)

'BE it remembered, that on the day of in the year of our Lord at in the county of [or riding, division, liberty, city, et cætera, as the case may be,] A.O. is convicted before me [or us, naming the justice or justices,] one [or two] of her Majesty's justices of the peace for the said county, [or riding, et cætera,] for that he the said A.O. did [specify the offence and the time and place when and where the same was committed, as the case may be,] and I [or we] the said justice [or justices] do adjudge the said A.O., for his said offence, to forfeit and pay the sum of [here state the amount of fine imposed], and I [or we] the said justice [or justices] do also adjudge the said A.O. to pay the sum of for costs; and in default of immediate payment of the said sums of and [or in default of payment of the said sums of and on or before the day of] I [or we] the said justice [or justices] do adjudge the said A.O. to be imprisoned [or to be imprisoned and kept to hard labour] in the for the space of unless the said sums shall be sooner paid; and I [or we] direct that the sum of , part of the said penalty, together with the said sum of for costs, shall be paid to C.D. [the party informing or complaining], and the residue of the said penalty shall be paid to the commissioners of Greenwich Hospital.

'Given under my hand [or our hands] the day and year first above written.']

No certiorari, &c.

16. And be it enacted, that no conviction under this Act shall be quashed for want of form, or be removed by certiorari or otherwise into any of her Majesty's superior courts of record, and no warrant, commitment, or order for imprisonment shall be held void by reason of any defect therein, provided it be therein alleged that the person has been convicted or ordered to be imprisoned, and there be a good and valid conviction or an offence to sustain the same.

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(1) Repealed as to England, 47 & 48 Vict. c. 43. s. 4.

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10 & 11 Victoria.—A.D. 1847.

CAP. LXIII.

An Act for limiting the Time of Service in the Royal Marine Forces.(1) [2d July 1847.]

WHEREAS it is expedient to amend the system of enlistment now in use in the royal marine forces; be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that after the passing of this Act no person shall be enlisted to serve in the royal marine forces as a marine for a longer term than twelve years, to be reckoned from the day on which the recruit shall have been attested, if he shall have stated himself to be then of the age of eighteen years, or if not, then from the day on which he will complete the age of eighteen years, to be reckoned according to the age stated in his attestation.

After passing of this Act the period for enlistment for a marine limited.

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3. And be it enacted, that any marine at any time during the last six months of the term of limited service for which he shall have first engaged, or after the completion of such term, may, if approved by his commanding officer or other competent authority as a fit person to continue in her Majesty's service as a marine, be re-engaged * * * * * * *

Marines on completion of term of limited service may be re-engaged.

4. Provided also, and be it enacted, that any marine who shall be ordered on foreign service, and who is within three years of the expiration of his first engagement, shall be at liberty, with the approbation of his commanding officer, to re-engage, before he embarks for such foreign service, * * * * *

As to the enlistment of marines ordered on foreign service.

5. Provided always, and be it enacted, that if either the first or second term of limited service for which any marine shall have so engaged shall expire while he is serving on any foreign station, the said first or second term of limited service may be prolonged for such further time, not exceeding two years, as shall be directed by the commanding officer on such foreign station; and that any marine who shall give notice to his commanding officer, after completing his second term of limited service, that he is desirous of continuing in her Majesty's service as a marine, and being approved by his commanding officer or other competent authority, may be continued in such service as a marine so long as he shall desire to be so continued, and until the expiration of three calendar months after he shall have given notice to his commanding officer of his wish to be discharged, and for that purpose shall be considered in all respects during such time as if his term of service were still unexpired.

If terms of limited services expire while marines are on any foreign station, they may be prolonged for a further time.

(1) *See* 20 Vict. c. 1., p. 250, *post.*

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If at the expiration of such terms of service marines are unwilling to re-engage themselves, they shall be conveyed home.

6. Provided also, and be it enacted, that if at the expiration of such first or second term of limited service, or of such term of prolonged service, any marine entitled to his discharge being on any foreign station shall not be willing to re-engage or to continue in her Majesty's service, his commanding officer shall, as in the case of marines invalided, take the usual measures, with all convenient despatch, for the conveyance of such marine to England, and on the arrival of such marine in England he shall be finally discharged: Provided always, that during such time as may elapse between the expiration of such terms of service as aforesaid and his final discharge in England such marine shall remain subject to the same discipline as fully as he may have been subject thereto before the expiration of such terms of service: Provided also, that if at the expiration of any such first or second term of limited service, or of such term of prolonged service, any marine being in any of her Majesty's colonies shall claim his discharge, and shall signify to the governor of such colony through the commanding officer of such marine his desire to remain in such colony, it shall be lawful for such governor, if he shall think fit, with the consent of such commanding officer, to permit such marine to remain therein, and thereupon such marine shall be finally discharged, and shall not be entitled to claim to be conveyed to England at the public charge at any future period.

If marines desire to remain in the colony, governor, &c. may permit them to do so.

If term of enlistment of marine expire after any offence committed, &c. he shall be deemed to be in the service till after trial, &c. for the same.

7. And be it enacted, that if the term for which any non-commissioned officer or marine shall have been enlisted or re-engaged, or for which his term of service may have been prolonged as aforesaid, shall expire after any offence committed by him, and before he has been tried or punished for the same, such non-commissioned officer or marine shall, notwithstanding the expiration of his term of service, be deemed and taken to be still in the royal marine forces for the purpose of undergoing his trial and punishment, but for no other purpose: Provided always, that no non-commissioned officer or marine shall be so tried after the expiration of his service, except by a naval court-martial, or by a general or district or garrison court-martial, as the case may require.

If marines are absent from duty by reason of imprisonment, &c., such portion of time not to be reckoned as part of limited enlistment.

8. And be it enacted, that if any non-commissioned officer or marine shall have been absent from his duty during any portion of the time limited by his enlistment or re-engagement or prolongation of service by reason of his imprisonment, whether under sentence of a court-martial or of any other court duly authorized to pass such sentence, or by reason of his confinement for debt, or by reason of his desertion, such portion of his time shall not be reckoned as a part of the limited service for which such non-commissioned officer or marine was enlisted or re-engaged, or for which his term of service may have been prolonged as aforesaid; and if any non-commissioned officer or marine shall have been absent from his duty during any portion of the time limited by his enlistment or re-engagement or prolongation of service by

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reason of his having been made a prisoner of war, the circumstances under which he was so made a prisoner shall, on his rejoining her Majesty's service, be subjected to inquiry by a court-martial; and if it shall appear to the satisfaction of the court that he was taken prisoner through his own wilful neglect of his duty, or that he has or has not returned to his duty so soon as he could and ought to have returned, the court may by its sentence direct that all or any part of the time during which such non-commissioned officer or marine shall have been so absent may be deducted from his term of service.

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10 & 11 Victoria.—A.D. 1847.

CAP. LXXXV.

An Act for giving further Facilities for the Transmission of Letters by Post, and for the regulating the Duties of Postage thereon, and for other Purposes relating to the Post Office.(1) [22d July 1847.]

Privilege to be enjoyed by them, but subject to payment of foreign postage.

7. And be it enacted, that the privilege given to seamen and soldiers by the said Act(2) passed in the fourth year of the reign of her present Majesty shall be enjoyed by such seamen and soldiers, whether any such letters shall be liable to any foreign postage or not, but subject to the payment of the foreign postage, if any be chargeable thereon.

Interpretation of Act.

20. And be it enacted, that this present Act shall be deemed and taken to be a Post Office Act; and that the following terms and expressions, whenever used in this Act, or in any Treasury warrant issued under or by virtue thereof, shall have the several interpretations herein-after respectively set forth, unless such interpretations are repugnant to the subject matter or inconsistent with the context in which they may be found; (that is to say,) that the term "by the post" shall include the conveyance by any post established under the authority or control of the postmaster-general; and that the term "letter," as also the term "letters," used in this Act, shall be construed according to the interpretation of the term "letter" contained in the said Act passed in the eighth year of the reign of her present Majesty; and that the term "railway," used in this Act and in the said Act passed in the second year of the reign of her present Majesty, shall include every railway already constructed or hereafter to be constructed under the powers, of any Act of Parliament; and that whenever the term "railway company" or "company of proprietors" is used in this Act, or in the said last-mentioned Act, it shall be construed to extend to include the proprietors for the time being of any such last-mentioned railway, and any lessees or tenants

(1) *See* 7 Will. IV. & 1 Vict. c. 36., p. 83, *ante*; 3 & 4 Vict. c. 96., p. 103, *ante*; 23 & 24 Vict. c. 65., *post*.
(2) 3 & 4 Vict. c. 96. s. 53., p. 106, *ante*.

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thereof; and that the several other terms and expressions used in this Act shall be construed according to the respective interpretations contained or referred to in the said Act passed in the fourth year of the reign of her present Majesty, so far as those interpretations are not repugnant to the subject or inconsistent with the context of such terms and expressions.

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13 & 14 Victoria.—A.D. 1850.

Cap. XXVI.

An Act to repeal an Act of the Sixth Year of King George the Fourth, for encouraging the Capture or Destruction of Piratical Ships and Vessels; and to make other Provisions in lieu thereof.

[25th June 1850.]

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Jurisdiction given to the High Court of Admiralty and all vice admiralty courts.

2. And be it enacted, that whenever any of her Majesty's ships or vessels of war, or hired armed vessels, * * * * or their boats, or any of the officers and crews thereof, shall * * * attack or be engaged with any persons alleged to be pirates afloat or ashore, it shall be lawful for the High Court of Admiralty of England, and for all courts of vice admiralty in any dominions of Her Majesty beyond the seas, * * * * to take cognizance of and to determine whether the persons or any of them so attacked or engaged were pirates, and to adjudge what was the total number of pirates so engaged or attacked, specifying the number of pirates captured, and what were the vessels and boats engaged.

List or return of all cases to be sent to the lords commissioners of the Admiralty.

3. And be it enacted, that with a view to the assignment of fitting rewards for services performed by her Majesty's forces against pirates the registrars of the several vice admiralty courts shall, on the first day of January and first day of July in every year, transmit to the said lords commissioners of the Admiralty a list or return of all cases which shall have been adjudged in the said courts respectively under this Act during the six months preceding, together with the dates of the seizure, according to the schedule marked (A.) to this Act annexed; and that the judges or registrars of the said courts respectively shall, upon the first convenient opportunity after every such decision, transmit the whole of the original evidence, with a statement of the proceedings, to the said lords commissioners of the Admiralty, for the purpose of the same being deposited in the High Court of Admiralty of England for reference when necessary; and all agents of officers and men receiving any rewards herein-before referred to shall be subject to the same laws, rules, and regulations to which agents receiving bounty for the abolition of the slave trade are or may be subject.

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Property of her Majesty's subjects found in possession of pirates to be restored on payment of one eighth of value.

5. And be it enacted, that all ships, vessels, boats, goods, merchandize, specie, or other property taken possession of from pirates by any of her Majesty's ships or vessels of war, or hired armed vessels, * * * * or their boats, or any of the officers and crews thereof, shall and may be proceeded against in any of the Admiralty courts before mentioned, and be subject and liable to condemnation as droits and perquisites of her Majesty in her office of Admiralty: Provided always, that if any part of the said property shall be duly proved to have belonged to and to have been taken from any of her Majesty's subjects, or from the subjects of any foreign power, then such property and every part thereof shall, by the decree of the said court, be adjudged to be restored, and shall be accordingly restored to the former owner or owners, proprietor or proprietors thereof respectively, he or they paying for or in lieu of salvage a sum of money equal to one eighth part of the true value, which money * * * * shall be paid to and divided and distributed amongst the officers and crews thereof, in such manner, form, and proportion, as other bounties are now distributable by virtue of her Majesty's proclamation or order in council dated the thirtieth day of July one thousand eight hundred and forty-nine, or as her Majesty, her heirs and successors, shall from time to time by any further proclamation or order or orders in council think fit to declare and direct; * * * * * *

Persons giving false evidence deemed guilty of perjury.

6. And be it enacted, that every person who shall wilfully and corruptly give false evidence in any examination or deposition had or affidavit taken in any proceeding under this Act shall be deemed guilty of perjury, and being thereof convicted shall be subject and liable to all the punishments, pains, and penalties to which persons convicted of wilful and corrupt perjury are liable; and every such person may be tried for any such perjury either in the place where the offence was committed or in any colony or settlement of her Majesty near thereto in which there is a court of competent jurisdiction to try any such offence, or in her Majesty's Court of Queen's Bench in England; and that in case of any prosecution for such offence in her Majesty's said Court of Queen's Bench the venue may be laid in the county of Middlesex.

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SCHEDULE (A.) referred to by this Act.

Date of attack or destruction.	Property seized, if any.	Names of attacking ships.	Date of sentence.	Decretal part of sentence.	Whether any property has been condemned, and sold or converted, and whether any part remains unsold, and in whose hands the proceeds remain.

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14 & 15 Victoria.—A.D. 1851.

Cap. XXXV.

An Act to extend the Benefits of certain Provisions of the General Merchant Seamen's Act relating to Apprentices bound to the Sea Service to Apprentices bound to the Sea Service by Boards of Guardians of the Poor in Ireland, and to enable such Guardians to place out Boys in the Naval Service.

[24th July 1851.]

7 & 8 Vict. c. 112. s. 32.

WHEREAS by an Act passed in the eighth year of the reign of her present Majesty, intituled "An Act to amend and "consolidate the laws relating to merchant seamen, and for "keeping a register of seamen," power was given to the overseers of the poor or other persons having the authority of overseers in any district, union, parish, township, or place in the United Kingdom, in the manner and subject to the conditions in the said Act mentioned, to bind and put out as an apprentice in the sea service any boy having attained the age of twelve years, of sufficient health and strength, who or whose parents was or were chargeable to such district, union, parish, township, or place, with his consent, but not otherwise: And whereas it is expedient to confer upon the several boards of guardians in Ireland like powers in this behalf, (subject to the provisions herein contained,) as are by the said recited Act given and conferred upon such overseers of the poor: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that—

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Boys in receipt of relief, who are desirous of it, may be placed out by the guardians in the naval service.

10. If any boy, not already an apprentice in the merchant service, who, or whose parent or parents, shall be receiving relief in any union in Ireland, be desirous of serving in the naval service of her Majesty, and be accepted or approved and received by competent authority in such service, the guardians of the poor of such union, or the persons duly appointed and having authority as such therein, may and they are hereby empowered, with the consent of the commissioners for administering the laws for relief of the poor in Ireland, to allow any such boy, with his consent, to enter into such naval service, and to pay, out of the rates of the union or electoral division, as the case may be, to which such boy may at the time be chargeable, such sum as may be required by the regulations of such service for providing outfit or otherwise, and also such expenses as may be necessary to be incurred for the conveyance of such boy in charge of a proper person to the port or place in the United Kingdom at which he may be required to attend for entry into such service.

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14 & 15 Victoria.—A.D. 1851.

CAP. XLIX.

An Act to repeal an Act of the Eleventh and Twelfth Years of Her present Majesty, for making preliminary Inquiries in certain Cases of Applications for Local Acts, and to make other Provisions in lieu thereof.(1)

[1st August 1851.]

WHEREAS an Act was passed in the session of Parliament holden in the eleventh and twelfth years of the reign of her present Majesty, chapter one hundred and twenty-nine: And whereas it is expedient to repeal the said Act, and to make other provisions in lieu thereof: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, 11 & 12 Vict. c. 129.

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2. Whenever application shall be made to Parliament for a Bill whereby power is sought to construct any works on the shore of the sea, or of any creek, bay, arm of the sea, or navigable river communicating therewith, or to construct any bridge, viaduct, or other work across any creek, bay, arm of the sea, or navigable river, or to construct any work affecting the navigation of any harbour, port, tidal water, or navigable river, it shall be lawful for the lord high admiral, or for the lords commissioners for executing the office of lord high admiral, to require the promoters of such Bill to deposit at the office of the Admiralty, in addition to the plans, sections, or other documents which may have been deposited at such office in compliance with the standing orders of either House of Parliament, all such statements and other documents as the said lord high admiral or lords commissioners shall deem necessary to explain the objects of the intended application to Parliament, and the proposed interference with such tidal lands or navigation, as the case may be. Where works proposed on tidal lands, Admiralty may require statements, &c.

3. It shall be lawful for the said lord high admiral or lords commissioners, if they shall consider the same necessary or expedient, but not otherwise, to appoint a competent person or persons to be an inspector or inspectors, for the purpose of inquiring, in such manner and at such time and place as they shall direct, into all such matters as they shall deem necessary to enable them to report to Parliament their opinion upon every such Bill touching the jurisdiction or authority of the lord high admiral. Admiralty may appoint inspectors.

(1) The Board of Trade may in general exercise the powers given under this Act and in relation to Bills under it. The Act is to be read as if the Board of Trade were therein named instead of the Admiralty; but the Admiralty may under certain circumstances still exercise the powers given to them under this Act. *See* the Harbours Transfer Act, 1862 (25 & 26 Vict. c. 69.), s. 3., *post*.

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Inspectors may summon witnesses and examine them upon oath.

4. For the purposes of such inquiry the said inspector or inspectors may, by summons under his or their hands, summon before him or them any person having the custody of any map, survey, or book made or kept in pursuance of any Act of Parliament, to produce such map, survey, or book for his or their inspection, and the said inspector or inspectors may summon, in manner aforesaid, any other person whose evidence shall, in the judgment of the said inspector or inspectors, be material to his or their inquiries, and pay or allow to every such person so summoned by him or them the reasonable charges of his attendance; and the said inspector or inspectors shall also have power to administer an oath to all persons who may be examined by him or them touching the premises.

Penalty for non-attendance or refusing to answer questions.

5. Any person, being summoned by such inspector or inspectors, who, after the delivery to him of such summons as aforesaid, or of a copy thereof, shall wilfully neglect or refuse to attend in pursuance of such summons, or to produce such maps, surveys, books, or other documents as he may be required to produce under the provisions herein-before contained, or to answer upon oath or otherwise such questions as may be put to him by such inspector or inspectors under the powers herein contained, shall be liable to forfeit and pay a penalty not exceeding five pounds, which may be recovered before any two or more justices having jurisdiction within the town, district, or place wherein such inquiry shall be held; and on conviction of the offender, and in default of payment of any such penalty, such justices shall be empowered and required to cause the same to be levied by distress and sale of the goods and chattels of the offender, by warrant under their hands and seals; and such penalty shall be paid to the treasurer of the county within which such conviction shall take place in aid of the county rate; provided that no person, other than the promoters of the proposed Act, or their agents, shall be required to attend in obedience to any summons, unless the reasonable charges of his attendance be paid or tendered to him, nor to travel in obedience thereto more than ten miles from his usual place of abode.

Admiralty may take security for payment of expenses of inquiry.

6. Before instituting any such inquiry the said lord high admiral or lords commissioners may, if they think fit, require and take such security for the payment of the whole or any part of the costs, charges, and expenses to be incurred by them in respect of such inquiry (including the remuneration of the inspectors) as to them shall seem fit; and whenever any such security is given, the costs, charges, and expenses in respect whereof it is given shall, to such amount as shall be certified by the said lord high admiral or lords commissioners (not exceeding the extent or amount of such security), be a debt due to her Majesty from the person or persons respectively by whom the same is entered into.

Petitioners for private Bill to be deemed the promoters.

7. The persons whose names shall be subscribed to the petition for any private Bill shall be deemed to be promoters of such Bill

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for all the purposes of this Act, notwithstanding the persons subscribing such petition shall have signed for or on behalf of any other party.

8. In citing this Act in other Acts of Parliament, and in legal and other instruments, it shall be sufficient to use the expression "The Preliminary Inquiries Act, 1851." Form of citing the Act.

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15 & 16 Victoria.—A.D. 1852.

CAP. XXVI.

An Act to enable Her Majesty to carry into effect Arrangements made with Foreign Powers for the Apprehension of Seamen who desert from their Ships. [17th June 1852.]

WHEREAS arrangements have been made with certain foreign powers for the recovery of seamen deserting from the ships of such powers when in British ports, and for the recovery of seamen deserting from British ships when in the ports of such powers: And whereas it is expedient to enable her Majesty to carry such arrangements into effect, and likewise to enable her Majesty to carry into effect any similar arrangements of a like nature which may be made hereafter: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. Whenever it is made to appear to her Majesty that due facilities are or will be given for recovering and apprehending seamen who desert from British merchant ships in the territories of any foreign power, her Majesty may, by order in council stating that such facilities are or will be given, declare that seamen, not being slaves, who desert from merchant ships belonging to a subject of such power, when within her Majesty's dominions * * * * shall be liable to be apprehended and carried on board their respective ships, and may limit the operation of such order, and may render the operation thereof subject to such conditions and qualifications, if any, as may be deemed expedient. Her Majesty may by order in council declare that deserters from ships of foreign powers may be apprehended and given up.

2. Upon such publication as herein-after mentioned of any such order in council, then, during such time as the same remains in force, and subject to such limitations and qualifications, if any, as may be therein contained, every justice of the peace or other officer having jurisdiction in the case of seamen who desert from British merchant ships in her Majesty's dominions * * * * shall, on application being made by a consul of the foreign power to which such order in council relates, or his deputy or representative, aid in apprehending any seaman or Upon publication of order in council justices shall aid in recovering deserters from the ships of foreign powers, and may apprehend them, and send them on board.

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apprentice who deserts from any merchant ship belonging to a subject of such power, and may for that purpose, upon complaint on oath duly made, issue his warrant for the apprehension of any such deserter, and, upon due proof of the desertion, order him to be conveyed on board the vessel to which he belongs, or to be delivered to the master or mate of such vessel, or to the owner of such vessel or his agent, to be so conveyed; and thereupon it shall be lawful for the person ordered to convey such deserter, or for the master or mate of such vessel, or the owner or his agent, (as the case may require,) to convey him on board accordingly.

Penalty on persons harbouring such deserters.

3. If any person protects or harbours any deserter who is liable to be apprehended under this Act, knowing or having reason to believe that he has deserted, such person shall for every offence be liable to a penalty not exceeding ten pounds, and every such penalty shall be recovered, paid, and applied in the same manner as penalties for harbouring or protecting deserters from British merchant ships.

Orders to be published in the London Gazette.

4. Every order in council to be made under the authority of this Act shall be published in the London Gazette as soon as may be after the making thereof.

Orders may be revoked or altered.

5. Her Majesty may by order in council from time to time revoke or alter any order in council previously made under the authority of this Act.

Short title.

6. This Act may be cited as the "Foreign Deserters Act, 1852."

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16 & 17 Victoria.—A.D. 1853.

CAP. LXIX.

An Act to make better Provision concerning the Entry and Service of Seamen, and otherwise to amend the Laws concerning Her Majesty's Navy.(1)

[15th August 1853.]

5 & 6 Will. 4. c. 24.

WHEREAS by an Act of the session holden in the fifth and sixth years of King William the Fourth, chapter twenty-four, it was enacted, that no person should be liable to be detained against his consent in the naval service of his Majesty for a longer period than five years, to be computed from the day of his being entered into the same, unless he should have voluntarily entered for a longer term, and except as therein-after provided, and provisions are therein contained having reference to such term of five years: And whereas by an Act of the

(1) *See* Naval Enlistment Act, 1835 (5 & 6 Will. IV. c. 24.), and note (1), p. 80, *ante*.

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session holden in the tenth and eleventh years of her Majesty, chapter thirty, it was enacted, that every boy who, when under the age of sixteen years, should enter the service of her Majesty's navy, should be liable to be detained in the said service for any period not exceeding seven years, to be computed from the day of his being entered into the same: And whereas by an order made by her Majesty in council on the first day of April one thousand eight hundred and fifty-three her Majesty has been pleased, by and with the advice of her privy council, to approve recommendations of the commissioners of the Admiralty for the encouragement of men entering the navy for continuous and general service, and regulations have been and may be issued by the said commissioners of the Admiralty offering increased rates of pay and other advantages to men entering the navy for ten years continuous and general service, or re-entering for continuous and general service for such a term as with such time as may be allowed in respect of their previous service will make up a term of ten years or thereabouts, and for the benefit of boys entering her Majesty's navy: And whereas it is expedient to make provision concerning the service of the persons who may be entitled to the benefits of the said regulations, and to extend the period of service of boys hereafter entering the navy, and otherwise to amend the law concerning the manning and discipline of the navy: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

10 & 11 Vict. c. 30.

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4. The fourth section of the said Act of the fifth and sixth years of King William the Fourth, entitling to double bounty seamen, seafaring men, and other persons entering the navy within the time and in manner therein mentioned, after the issue of any royal proclamation calling for the services of seafaring men, shall be repealed; and all persons entering or re-entering the navy after the issuing of any such proclamation (whether general or restricted as herein-after mentioned) shall be entitled to such bounty or respective bounties according to their classes, as may be offered by such proclamation, with such increase, if any, as her Majesty may in the case of all or any such persons think fit to direct, in respect of their entering within such times or in such manner as in such proclamation may be in that behalf appointed.

Sect. 4. of 5 & 6 Will. 4. c. 24. concerning double bounty, repealed.

Persons entering the navy to be entitled to such bounty as may be fixed by royal proclamation, &c.

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7. Any proclamation of her Majesty, her heirs or successors, calling for the services of seafaring men, either during the time of peace or war, shall, at the pleasure of her Majesty, her heirs or successors, apply to all seafaring men, or be restricted to any particular class or classes of seafaring men, either according to their ages, the numbers of their register tickets, or otherwise;

Proclamation for seamen may be general or restricted.

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and every such restricted proclamation shall be as valid and effectual in law as any such proclamation calling for the services of all seafaring men, and as to the men within such class or classes shall and may be enforced accordingly.

Register ticket evidence of the age of seamen.

8. When any such restricted proclamation shall have reference to ages it shall be incumbent on any seafaring man claiming in respect of age not to be within such proclamation to prove his age by the production of his register ticket, or other evidence.

Service of seamen in the navy may be extended by royal proclamation.

9. In case her Majesty, her heirs or successors, shall by proclamation call upon the seamen or any class or classes of seamen serving in her Majesty's navy, or such of them as may be required so to do, to extend the term of their services, any seamen to whom such proclamation shall extend, and whose term of service shall have expired at the date of such proclamation, or may expire while such proclamation shall continue in force, may be required to serve for a period of five years from the expiration of such term, if his services be so long required, and shall be liable to serve accordingly, and shall for such extension of service be entitled to such bounty as may be given by such proclamation.

Nothing to diminish power of the Admiralty to enter seamen for any periods and to discharge them.

10. Nothing in this Act contained shall control or diminish the authority vested in the lord high admiral or the commissioners for executing the office of lord high admiral to enter or cause to be entered seamen and others for her Majesty's navy for any period or periods of service for which they may volunteer, and to detain them in such service accordingly; and nothing in this Act contained shall control or diminish the authority vested in the said lord high admiral or the said commissioners to discharge, as he or they may think fit, or to authorize the discharge of any seaman or other person whatever from her Majesty's naval service.

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Spirituous or fermented liquors not to be brought on board her Majesty's ships without the commander's consent.

12. It shall not be lawful for any person to bring on board any of her Majesty's ships or vessels any spirituous or fermented liquor of any description, without the previous consent of the officer commanding the ship or vessel on board of which the same may be brought; and it shall be lawful for any officer in her Majesty's service, or warrant or petty officer of the navy, or non-commissioned officer of marines, with or without seamen or persons under his command, to search any boat or vessel hovering about or approaching or which may have hovered about or approached any of her Majesty's ships or vessels, and if any spirituous or fermented liquor be found on board such boat or vessel to seize such spirituous or fermented liquor, and the same shall be forfeited to her Majesty; and if any person shall bring any spirituous or fermented liquor on board any of her Majesty's ships or vessels without such previous consent as aforesaid, or shall approach or hover about any of her Majesty's ships or vessels for the purpose of bringing any spirituous or fermented liquor on board the same, without such previous consent, or for

Penalty on offenders.

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the purpose of giving or selling, without such previous consent, spirituous or fermented liquor to men in her Majesty's service or of aiding or assisting any officer, seaman, or marine in her Majesty's service, to desert or improperly absent himself from his ship or vessel, every such person shall, upon a summary conviction thereof before a justice or justices of the peace, forfeit and pay any sum not exceeding ten pounds for every such act or offence; and it shall be lawful for any officer in her Majesty's service, or any such warrant or petty officer, or non-commissioned officer as aforesaid, or for any constable or peace officer, with or without any warrant or other process, to apprehend or cause to be apprehended any such offender or person so acting, and to bring him or cause him to be brought before any justice or justices of the peace, for the purpose of having the offender summarily convicted of the same; and any pecuniary forfeiture under this provision shall and may be recovered, with costs, and paid and applied, in manner provided by the Act of the session holden in the tenth and eleventh years of her Majesty, chapter sixty-two, concerning penalties and forfeitures imposed by that Act.

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Persons making fraudulent representations on entering the navy to be punished as rogues and vagabonds under 5 Geo. 4. c. 83.

16. Every person who, upon entering or offering himself to enter the naval service of her Majesty, shall make or give any false statement, whether orally or in writing, with intent to deceive any officer or person authorized to enter or enlist seamen or others in or for such naval service, shall be deemed a rogue and vagabond within the intent and meaning of the Act of the fifth year of King George the Fourth, chapter eighty-three, and shall upon conviction thereof be punished accordingly; and all the provisions of the said Act, and of any Act amending the same, shall take effect and apply as if a person so offending as aforesaid had, by the said Act of the fifth year of King George the Fourth, been declared a rogue and vagabond within the true intent and meaning of that Act.

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Railway companies to convey naval forces upon the same terms as military and police.

[18. Whenever it shall be necessary to move any of the officers or men in her Majesty's navy,(1) or belonging to any naval coast volunteers, or any other officers or men under the command or government of the Admiralty, every railway company shall, upon the production of a route or order for the conveyance of such officers or men, signed by any officer or person authorized by the lord high admiral or commissioners for executing the office of lord high admiral in that behalf, be bound to provide conveyance for such officers or men and their personal luggage, and also any public baggage, stores, arms, ammunition, and other necessaries and things, by the railway of such company, at the usual hours of starting, in like manner and at the like fares and rates of charge, and upon the like conditions, as under the Act of the session

(1) Compare, as to conveyance of marines by railway, 5 & 6 Vict. c. 55. s. 20., p. 108, *ante*, and 7 & 8 Vict. c. 85. s. 12., p. 114, *ante*.

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holden in the seventh and eighth years of her Majesty, chapter eighty-five, or any other Act applicable to such company, such company would be bound to provide such conveyance for the officers and men of her Majesty's forces of the line, ordnance corps, marines, militia, and police force, and their personal luggage, and any public baggage, stores, arms, ammunition, and other necessaries and things of the said forces.(1)]

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16 & 17 Victoria.—A.D. 1853.

CAP. LXXIII.

An Act for the Establishment of a Body of Naval Coast Volunteers, and for the temporary Transfer to the Navy, in case of Need, of Seafaring Men employed in other Public Services. [15th August 1853.]

WHEREAS it is expedient to establish and train a body of volunteers, who may be called forth and employed when the defence of the realm may require with or in aid of her Majesty's naval forces, and to provide for the service in the navy upon the like emergency of seafaring men who may be employed in any department of the public service: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to Admiralty to raise "Royal Naval Coast Volunteers," not to exceed 10,000 men.

1. It shall be lawful for the lord high admiral or commissioners for executing the office of lord high admiral to raise and from time to time to keep up a number of men, not exceeding ten thousand, to be called "The Royal Naval Coast Volunteers," such men to be raised by voluntary entry (from among seafaring men and others who may be deemed suitable for the services in which such volunteers may be employed), and to be so raised and entered at such times, in such places in the United Kingdom, and the islands of Man, Guernsey, Jersey, Alderney, and Sark, or any of them, by such persons, and in such manner as such lord high admiral or commissioners shall from time to time direct.

Volunteers to be entered for five years.

2. Every volunteer raised under this Act shall be entered for the term of five years, and shall continue subject as a volunteer to the provisions of this Act during such term, and no longer, save as herein-after otherwise provided.

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(1) This section is by 46 & 47 Vict. c. 34. s. 10. repealed, except in so far as 16 & 17 Vict. c. 69. applies to Ireland, and except as respects the conveyance of forces by companies who lose the benefit of 46 & 47 Vict. c. 34., *post*.

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Volunteers may be trained and exercised for 28 days in each year, and on shore or on board ship.

3. The lord high admiral or commissioners for executing the office of lord high admiral may cause the volunteers under this Act to be instructed, trained,(1) and exercised in seamanship, gunnery, and the use of arms, and generally in such manner as to the said lord high admiral or commissioners may seem most suitable for rendering such volunteers fit to be employed in aiding the regular naval forces of her Majesty, and may cause all or any of such volunteers to be instructed, trained, and exercised on shore or on board any ships or vessels, or partly on shore and partly on board any ships or vessels, and at and for such time or times as the said lord high admiral or commissioners may think fit; and for the purpose of such instruction, training, and exercise, all or any of such volunteers may be called out together at the same time or times of any year, or in different parts and at different times of any year, and may be required to attend at such times and places, and may be placed under and shall be subject to the command of such officers, as the said lord high admiral or commissioners may think fit and direct, and may appoint for that purpose, and where he or they so direct shall for such purpose form part of and be under the like command as the respective crews of any of her Majesty's ships or vessels of war which the said lord high admiral or commissioners may see fit to cause them to join for such purpose: Provided always, that no volunteer shall under this enactment be required to attend more than twenty-eight days in the whole in any year, or be taken or sent beyond fifty leagues from the shore of some part of the United Kingdom.

In case of imminent national danger, &c. her Majesty may order the volunteers to be called into actual service.

4. It shall be lawful for her Majesty in case of imminent national danger or of great emergency (the occasion being first communicated to Parliament, if Parliament be sitting, or declared in council and notified by proclamation if Parliament be not sitting or in being) to order and direct that the volunteers under this Act, or so many or such part of them as her Majesty may deem necessary, shall be called into actual service.

Volunteers to be called into actual service accordingly, not to be liable to be sent beyond 100 leagues from the shore of the United Kingdom.

5. Whenever her Majesty shall as aforesaid order all or any number or part of the volunteers under this Act to be called into actual service, the lord high admiral or commissioners for executing the office of lord high admiral shall cause the said volunteers, or such number or part of them as her Majesty may have ordered, to be called into actual service accordingly; and the volunteers so called into actual service shall be liable to serve on shore, or on board any ships or vessels, or partly on shore and partly on board any ships or vessels, as the lord high admiral or commissioners for executing the office of lord high admiral may direct,(2) * * * * * * * * * ; and such

(1) The officers of the coast guard are to be deemed and taken to be officers by whom the royal naval coast volunteers may be instructed, and to whose command such volunteers may be made subject. *See* the Coastguard Service Act, 1856 (19 & 20 Vict. c. 83.), s. 10., p. 249, *post*.

(2) As to repeal *see* 26 & 27 Vict. c. 5.

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volunteers may be placed under the command of such officers as the said lord high admiral or commissioners may direct, and where he or they so direct shall form part of and be under the like command as the respective crews of any of her Majesty's ships or vessels of war which the said lord high admiral or commissioners may see fit to cause them to join; and every such volunteer so called into actual service shall be liable to such service for one year from the time of being so called into actual service, and at the expiration of such service shall be entitled to be discharged: Provided always, that it shall be lawful for her Majesty, in case she see fit, by proclamation to declare that such volunteers as may at the date of such proclamation be in actual service as aforesaid shall continue in such actual service for one year from such date if their services be so long required, and every such volunteer who may be in actual service at the date of such proclamation shall be liable to such service accordingly; and every volunteer whose period of actual service is extended under or in consequence of such proclamation, shall be entitled to receive for his services during the extra period for which they are required twopence a day in addition to his ordinary pay: Provided also, that in case any such volunteer be called into actual service and be not at any one time detained in such service for a period exceeding six months, he shall be and remain liable to be again called into actual service during the remainder of his term of five years, in the same manner and to serve for the like term as if he had not before been called into such service, and any volunteer having been called into actual service and discharged therefrom after having continued therein for more than six months and less than a year shall be liable to be again called into actual service as such volunteer, and to serve for such further term only as, with the term during which he may have continued in actual service as last aforesaid, will make up one year, subject nevertheless to such extension of service as herein-before mentioned under her Majesty's proclamation.

Term of service one year, subject to being extended for another year by royal proclamation.

Volunteers whose service is extended entitled to extra pay.

6. Provided also, that in case any such volunteer be discharged from actual service after having completed such a period of such service as under the foregoing provision would exempt him from being again called into the like service, he shall be entitled to be also discharged from all other service and liability as a volunteer, although his term of five years may not have expired; but, except as aforesaid, every volunteer whose term of five years shall not have expired at the date of her Majesty's order directing volunteers to be called into actual service may be called into actual service under such order, and shall (notwithstanding the expiration of such term of five years) be liable to be continued in such actual service for such period or extended period as herein-before provided, and shall remain subject to the provisions of this Act accordingly.

After the required period of actual service, volunteers to be entitled to their discharge.

Volunteers may be continued for the specified period of actual service, notwithstanding expiration of five years.

7. The volunteers under this Act shall for such time as they shall be called out for and shall attend instruction, training, and

During exercise and actual service men to

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exercise, and for such time as they shall be in actual service under this Act, be entitled when on shore to the pay of able seamen in the royal navy entered for ten years continuous and general service, and when afloat to the same pay and allowances as such able seamen, and shall be entitled to such conduct money in respect of travelling to and from any place at which they may be required to attend for instruction, training, and exercise, or for the purpose of entering into actual service as aforesaid, as may be allowed by the regulations made under this Act: Provided always, that any such volunteer who may be appointed to be or perform the duties of a petty officer shall be entitled when on shore to the pay, and when afloat to the pay and allowances, of a petty officer in the royal navy of the same rank in lieu of the pay or pay and allowances of an able seaman in the navy.

have the pay of able seamen and allowances when afloat.

8. Every volunteer under this Act shall while he shall be such volunteer be protected from service in the royal navy, save under the circumstances and for the time and in the manner herein expressly provided, and be exempt from service in the militia, and from serving as a peace officer or parish officer.

Volunteers protected from service in the navy.

9. All provisions for the time being in force for and in relation to the billeting of the royal marines shall extend and be applicable to the volunteers under this Act during such time as they shall attend instruction, training, and exercise, or be in actual service; and all powers and authorities for or in relation to the billeting of the royal marines which may be exercised by any colonel commandant or commanding officer of any division of royal marines may, for the purpose of billeting such volunteers, be exercised by any officer in the royal navy holding the rank of commander or any higher rank authorized in this behalf by the regulations made under this Act.

Provisions relating to billeting marines to extend to volunteers.

10. It shall be lawful for the lord high admiral or the commissioners for executing the office of lord high admiral from time to time to make regulations as to the sums to be paid to volunteers under this Act by way of bounty or periodical payment or allowance in consideration of their entering under this Act, and to volunteers or persons who may have served as volunteers in consideration of their re-entering under this Act, (such bounty in no case to exceed six pounds, and such periodical payment or allowance in no case to exceed after the rate of two shillings and sixpence per month during the term of service for which the volunteer is entered), and as to the time or respective times, conditions, and manner of the payment thereof, and as to the manner and form in which such volunteers shall be entered to serve, and generally as to the entering and re-entering of men as such volunteers, and as to the arms, clothing, and accoutrements with which such volunteers are to be provided, and for forming such volunteers into divisions or other bodies, and as to the manner in which notices of the times and places at which such volunteers may be required to attend instruction, training, and exercise, and for the purpose of entering into actual service under

Power to Admiralty to make regulations as to sums to be paid by way of bounty, &c.

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the provisions of this Act, shall be published or given, and for securing and enforcing attendance, good conduct, and discipline of and among such volunteers, and imposing fines, or forfeitures of bounty, pay, and allowances, for misconduct and breach of discipline or of any such regulations, and as to the pay and allowance to officers commanding such volunteers, and generally as to all other matters and proceedings under this Act; and the said lord high admiral or commissioners may, if he or they so think fit, provide by such regulations that volunteers under this Act shall be protected from service in the royal navy for such term or different terms after the determination of their services as volunteers under this Act as, with reference to the circumstances or duration of their services, may be mentioned in such regulations.

Regulations to be laid before Parliament.

11. All regulations made under this Act shall be laid before both Houses of Parliament within twenty-one days next after the making thereof if Parliament be sitting, or if Parliament be not sitting, then within twenty-one days after the next meeting of Parliament.

Admiralty may discharge volunteers.

12. It shall be lawful for the lord high admiral, or commissioners for executing the office of lord high admiral, in his or their discretion at any time to discharge all or any of the volunteers raised under this Act.

In case of emergency officers and men of the coast guard, revenue cruizers, and seamen-riggers may be required to serve in the navy for a limited period.

13. Whenever any emergency shall arise which in the opinion of the lord high admiral, or commissioners for executing the office of lord high admiral renders it advisable to require the services in her Majesty's navy of all or any of the officers and men of the coast guard, and of her Majesty's revenue cruizers, and seamen-riggers employed under the Crown, it shall be lawful for such lord high admiral or commissioners to order such officers and men of the coast guard, and of her Majesty's revenue cruizers, and seamen-riggers, or any of them, to join her Majesty's navy, and those so ordered shall join such of her Majesty's ships or vessels of war as the said lord high admiral or commissioners may at any time or times direct, and shall form the crews or parts of the crews of such ships or vessels, and shall continue to serve in her Majesty's navy during such time as such emergency may in the opinion of the said lord high admiral or commissioners continue, but in no case without their consent for a longer period than five years, and while so serving shall be entitled to the same pay and allowances according to their respective ratings on board such ships or vessels as officers in her Majesty's navy and men in her Majesty's navy entered for ten years continuous and general service.

Upon invasion or danger thereof, seafaring men in public departments liable to temporary service in the navy.

14. Upon the making by her Majesty of any such order as herein-before provided in case of actual invasion or imminent danger thereof, it shall be lawful for the lord high admiral or commissioners for executing the office of lord high admiral to require and direct all or any of the out-door officers and boatmen in the employment of the board of customs receiving daily pay, and all

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or any other seafaring officers and men holding appointments under the Crown or in the public service, and in active service, not being officers or men of the coast guard, or of her Majesty's revenue cruizers, or seamen-riggers, to join her Majesty's navy, and those so ordered shall join such of her Majesty's ships or vessels of war as the said lord high admiral or commissioners may at any time or times direct, and shall form the crews or parts of the crews of such ships or vessels, and shall be entitled to the same pay and allowances according to their respective ratings on board such ships or vessels as officers in her Majesty's navy and men in her Majesty's navy, entered for ten years continuous and general service, provided that no such person shall be liable to be detained in the naval service of her Majesty for a longer period than one year, to be computed from the time of his joining any of her Majesty's ships or vessels in pursuance of any such requisition or direction as aforesaid.

Pay of coast guard men and others required to serve in the navy not to be diminished.

15. Provided always, that where the pay according to his rating in the navy received by any officer or man of the coast guard, of her Majesty's revenue cruizers, seaman-rigger, out-door officer, or boatman in the employment of the board of customs, or other seafaring officer or man holding any appointment under the Crown or in the public service, while serving in her Majesty's navy under either of the two last preceding sections, shall be less than what he would be entitled to in respect of his respective appointment or employment if he had not been so required to serve in her Majesty's navy, the excess of the pay to which he may be or would have been entitled in respect of such appointment or employment over the pay of his rating in the navy shall be from time to time paid to such person or persons as he may direct; and no such officer or person shall be deprived of his former employment under the Crown at the end of such servitude if he shall have conducted himself in a proper manner and not be incapacitated by bodily infirmity, and such service in the navy shall count in regard to pensions for the service from which he may have been taken.

In case of emergency pensioners may be required to serve in the navy.

16.(1) Whenever any emergency shall arise, which, in the opinion of the lord high admiral or commissioners for executing the office of lord high admiral, renders it advisable to require the services in her Majesty's navy of any of the persons who may have served as petty officers or seamen in her Majesty's navy and may be in the receipt of pensions in respect of such service, it shall be lawful for such lord high admiral or commissioners to order any of such persons to join her Majesty's navy; and those so ordered shall join such of her Majesty's ships or vessels of war as the said lord high admiral or commissioners may at any time or times direct, and shall form the crews or parts of the crews of such ships or vessels, and shall continue to serve in her Majesty's navy during such time as such emergency may in the opinion of

(1) This section is extended to marines, Naval Enlistment Act, 1884 (47 & 48 Vict. c. 46.), s. 4., *post*.

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the said lord high admiral or commissioners continue, and while so serving shall be entitled to the same pay and allowances, according to their respective ratings on board such ships or vessels, as officers in her Majesty's navy and men in her Majesty's navy entered for ten years continuous and general service, and shall also continue to receive their pensions.

Laws relating to the government of the navy extended to volunteers during exercise, and to such volunteers and others when in actual service.

17. All the laws and customs for the time being in force for the government of her Majesty's ships, vessels, and forces by sea, and applicable to any person in or belonging to the fleet, or to any person being in actual service and full pay, and part of the crew of any of her Majesty's ships or vessels, shall be applicable in like manner to every volunteer during such period as he shall be on board any ship or vessel for the purpose of instruction, training, and exercise, or shall be otherwise under instruction, training, and exercise, and to every such volunteer, and to every officer and man of the coast guard, of her Majesty's revenue cruizers, seaman-rigger, or other person required to serve in the navy under this Act during such time as he shall be in actual service either on board any ship or vessel or otherwise under this Act, and to all officers having any command over any such volunteers during the time of instruction, training, and exercise, or while in actual service; and the said volunteers and officers and men of the coast guard, of her Majesty's revenue cruizers, seamen-riggers, and other persons required to serve in the navy under this Act, shall, while in actual service, have the same privileges of making allotments of wages to relatives, and of making remittances, and otherwise have the benefit of and be subject to the provisions of the laws relating to the pay of the royal navy, in like manner as officers and men of their respective ratings in her Majesty's navy; and the laws concerning the discharge of seamen serving on board her Majesty's ships, and becoming entitled to be discharged, shall be applicable to and for the discharge of any of the said volunteers, officers, and men of the coast guard, of her Majesty's revenue cruizers, seamen-riggers, and others serving on board any of her Majesty's ships under this Act, and becoming entitled to be discharged.

Enlistment of volunteers under this Act in her Majesty's regular forces, or in the forces of East India Company, or in the militia, and entering of militia men as volunteers under this Act, to be void.

Punishment of persons offending.

18. In case any officer, sergeant, or other person enlist any man to serve in her Majesty's regular forces, * * * * or in the militia, who at the time of such enlisting is entered to serve as a volunteer under this Act, such enlisting, and in case any person enter any man to serve as a volunteer under this Act who at the time of such entering is enrolled to serve in the militia, such entering shall be null and void, and any such volunteer offering himself to be enlisted in her Majesty's regular forces, * * * * or be enlisted or enrolled as a militia man, and every militia man offering himself to be entered as a volunteer under this Act, shall, on conviction thereof upon the oath of one witness before any justice of the peace, be committed to the common gaol or house of correction for any term not exceeding six months; and any officer or other person knowingly enlisting or enrolling any volunteer

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under this Act to serve in her Majesty's regular forces, * * * * or in the militia, or knowingly entering any militia man to serve as a volunteer under this Act, shall for every such offence forfeit and pay any sum not exceeding twenty pounds.

Penalty on volunteer selling or buying arms, &c.

19. Any volunteer who shall sell, pawn, or lose any of his arms, clothes, accoutrements, or ammunition, or refuse or neglect to return the same in good order to any person appointed by or under the authority of the lord high admiral or commissioners for executing the office of lord high admiral to receive the same, shall for every such offence forfeit any sum not exceeding three pounds; and any person who shall knowingly and willingly buy, take in exchange, receive in pledge, or otherwise receive or conceal any arms, clothes, accoutrements, or ammunition belonging to any such volunteer, and provided for him under this Act, shall for every such offence forfeit and pay any sum not exceeding ten pounds and the treble value of all or any of the articles so bought, taken in exchange, received, or concealed.

Penalty on volunteer for not attending training and exercise.

20. Every volunteer under this Act (not labouring under any infirmity incapacitating him) who shall not appear at any time and place at which he shall be appointed to attend for the purpose of instruction, training, and exercise according to the provisions of this Act, notice of his being required so to attend having been given in such manner as may be provided by any regulations made under this Act, and any volunteer who having so appeared afterwards deserts or absents himself during the time of such instruction, training, and exercise, shall be subject to a penalty not exceeding twenty pounds.

Persons not attending when called into actual service may be apprehended and punished as deserters from the navy.

21.(1) If any volunteer under this Act, or any officer or man of the coast guard, or of any of her Majesty's revenue cruisers, seaman-rigger, or other person required to serve in the navy under this Act, shall not, at or within such time as may be appointed by any order of the lord high admiral or commissioners for executing the office of lord high admiral made under this Act, appear for the purpose of entering into actual service, or join any of her Majesty's ships or vessels which he may be required to join for that purpose, every such person so offending shall be liable to be apprehended and punished in the same manner as any person belonging to her Majesty's navy, and deserting or improperly absenting himself from duty.

Penalty for inducing persons to absent themselves or harbouring or employing persons absenting themselves.

22. Any person who by words or other means shall persuade any volunteer under this Act, or any officer or man of the coast guard, or of any of her Majesty's revenue cruizers, seaman-rigger, or other person required to serve in the navy under this Act, improperly to absent himself from his duty, shall forfeit and pay the sum of twenty pounds; and every person who shall assist or procure any such volunteer, or any such officer or man, seaman-

(1) This section is extended to marines by the Naval Enlistment Act, 1884 (47 & 48 Vict. c. 46.), s. 4., *post*.

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rigger, or such other person as aforesaid, improperly to absent himself as aforesaid, or shall conceal, employ, or continue to employ any such volunteer, officer or man, seaman-rigger, or other person, knowing him to be so improperly absent, shall for every such offence forfeit and pay the sum of thirty pounds.

Recovery of penalties.

23. All offences for which any pecuniary penalty or forfeiture is by this Act imposed shall and may be heard and determined by any justice of the peace in or near to the place where the offence shall be committed, or where the offender may at any time happen to be; and all such penalties and forfeitures, and any forfeiture of treble value, and also the reasonable costs attending the prosecution, to be duly ascertained and awarded by such justice, shall and may be enforced and recovered, in the same manner as any pecuniary penalties may be recovered in England or Wales under the provisions of an Act passed in the twelfth year of her Majesty, intituled "An Act to facilitate the "performance of the duties of justices of the peace out of sessions "within England and Wales with respect to summary convictions "and orders": Provided always, that in all cases in which there shall not be sufficient goods whereon any penalty or forfeiture can be levied, the offender may be committed and imprisoned, with or without hard labour, [(1) for any time not exceeding six months]; which said Act shall be used and applied in Scotland and in Ireland for the recovery of all such pecuniary penalties and forfeitures, and forfeiture of treble value, as fully to all intents as if such Act had extended to Scotland and Ireland, anything in the said Act, or in an Act passed in the session holden in the fourteenth and fifteenth years of her Majesty, intituled "An Act "to consolidate and amend the Acts regulating the proceedings "at petty sessions, and the duties of justices of the peace out of "quarter sessions in Ireland," to the contrary notwithstanding.

11 & 12 Vict. c. 43.

14 & 15 Vict. c. 93.

Appropriation of penalties.

24. One moiety of every such penalty or forfeiture, not including the treble value of any articles, shall go to the person who shall inform or sue for the same, and the other moiety, together with the treble value of any articles, or where the offence shall be proved by the person who shall inform then the whole of the penalty and such treble value, shall be paid over and applied in such manner as the lord high admiral or the commissioners for executing the office of lord high admiral shall direct; anything in an Act passed in the sixth year of King William the Fourth, intituled "An Act to provide for the regula- "tion of municipal corporations in England and Wales," or in any other Act of Parliament, to the contrary notwithstanding; and every justice who shall adjudge any penalty under this Act shall, within four days thereafter at the furthest, report the same, and his adjudication thereof, to the secretary of the Admiralty.

5 & 6 Will. 4. c. 76.

(1) The words in brackets repealed as to England, 47 & 48 Vict. c. 43. s. 4.

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16 & 17 Victoria.—A.D. 1853.

CAP. XCIII.

An Act to enable Burghs in Scotland to maintain and improve their Harbours.(1) [20th August 1853.]

Act may be adopted in burghs having harbour not under local Acts.

1. This Act may be adopted and applied in manner herein-after provided in any royal burgh in Scotland possessing a harbour which at the time of passing this Act is not under the regulation of any local Act of Parliament.

Interpretation of terms.

2. The following words and expressions in this Act shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction; that is to say:

The word "burgh" shall mean any royal burgh in Scotland possessing a harbour which is not under the regulations of any local Act of Parliament:

The word "harbour" shall mean the harbour of any such burgh, and shall extend to and include the whole limits assigned to such harbour by the charter of such burgh, or by any law, statute, or usage, and all docks, piers, quays, yards, works, buildings, creeks, and anchorages within such limits:

The expression "town council" shall mean the provost, magistrates, and councillors, or the magistrates and councillors, as the case may be, of any such burgh for the time being:

The words "treasurer" and "town clerk" shall mean the treasurer and town clerk respectively of any such burgh for the time being:

The expression "Board of Trade" shall mean the lords of the committee of her Majesty's privy council for trade and foreign plantations:

The expression "improvement" shall mean deepening, lighting, buoying, or any other work approved by the lords of the Admiralty.

Short title.

3. In citing this Act in other Acts of Parliament, and in legal instruments, deeds, and proceedings, it shall be sufficient to use the expression "The Burgh Harbours (Scotland) Act, 1853."

Town council may resolve that this Act shall be adopted, and cause such resolution to be published.

7. It shall be lawful for the town council of any burgh, by a majority of the members of the council who are present at a meeting specially called for that purpose, to resolve that this Act shall be adopted in and applied to the burgh, and to appoint a day, not earlier than the third and not later than the thirtieth lawful day after the completion of the then next ensuing annual election of councillors for the burgh, for holding a second special

(1) This Act appears not to be affected by the Harbours Transfer Act, 1862 (25 & 26 Vict. c. 69.), *post*.

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meeting of the town council to resume consideration of such resolution; and a copy of the minute of the town council, containing such resolution and appointment, shall be inserted once in each newspaper published in the burgh one month at least before such next annual election; and if there be no newspaper published therein a copy of such minute shall be delivered or transmitted through the post office to each municipal elector of the burgh, and to the sheriff clerk and clerk of the peace of the county within which such burgh is situated, and shall be inserted once in a newspaper published in such county, or in an adjoining county, one month at least before such next annual election.

If resolution approved of, this Act to be adopted, and minute to be registered in sheriff court books.

8. It shall be lawful for the town council, at such second special meeting, or at any adjourned special meeting (of which adjourned meeting four days notice in writing shall be given to each member of the council), on resuming consideration of such resolution, either to approve or disapprove of the same; and if such resolution shall be approved of by a majority of two thirds at least of the members of the council who are present at such second special meeting or at such adjourned meeting, this Act shall thereupon be held as adopted in the burgh; and a copy of the minute of the meeting at which such resolution shall be so approved of shall, within fourteen days thereafter, or within fourteen days after the dismissal of the appeal against the said resolution, herein-after provided for, be registered in the sheriff court books of the county in which the burgh is situated, and another copy of the said minute shall be within the like period of fourteen days transmitted to the office of the secretary to the Admiralty; and the provisions of this Act shall be in force in respect to the burgh and the harbour thereof from and after such registration and transmission, the date of which or of the last of which shall be held as the date of the adoption of this Act.

Plans and working drawings of the works to be deposited at the Admiralty Office for approval.

24. Previous to extending or improving the harbour or constructing any works connected therewith, the town council shall deposit at the Admiralty Office, Whitehall, plans and working drawings of the harbour and the proposed works connected therewith, for the approval of the lords of the Admiralty; and, notwithstanding anything in this Act contained, the harbour and works connected therewith shall be extended and improved only according to such plan as shall be previously approved of by the lords of the Admiralty, such approval to be signified in writing under the hand of the secretary of the Admiralty; and if any works shall be commenced or completed contrary to the provisions of this Act, it shall be lawful for the lords of the Admiralty to abate and remove the same, and to restore the site thereof to its former condition, at the cost and charge of the town council, and the amount thereof shall be a debt due to the Crown, and be recoverable accordingly.

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16 & 17 Victoria.—A.D. 1853.

Cap. CVII.

An Act to amend and consolidate the Laws relating to the Customs of the United Kingdom and of the Isle of Man, and certain Laws relating to Trade and Navigation and the British Possessions.

[20th August 1853.]

WHEREAS it is expedient that the several Acts now in force for the management and regulation of customs, the prevention of smuggling, the encouragement of British shipping and navigation, the warehousing of goods, the granting of drawbacks and allowances of customs, the regulation of the trade of the British possessions abroad and of the Isle of Man, should be consolidated into one Act: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

IX. *Legal Proceedings generally.*

Actions against Officers.

As to actions against officers of customs:

One month's notice of action to officer before process.

[313.](1) No action or suit shall be commenced against any officer of the army, navy, marines, customs, or excise, or against any person acting under the direction of the commissioners of customs, for anything done in the execution of or by reason of his office, until one month next after notice in writing shall have been delivered to him or left at his usual place of abode by the attorney or agent of the plaintiff, in which notice shall be clearly stated the cause of action, the name and place of abode of the plaintiff, and the name and place of abode or business of such attorney or agent, and the attorney or agent mentioned in such notice shall be entitled to a fee of ten shillings for preparing and serving such notice; and if any action or suit shall be commenced against any such officer or other person, and no such notice shall have been given, such officer or other person may call upon the plaintiff to establish, to the satisfaction of the court, on affidavits on both sides, that such action or suit is brought for some act, matter, or thing not done in the execution of or by reason of his office, and if the plaintiff shall fail so to satisfy the court, such action or suit shall discontinue: Provided always, that if the plaintiff shall so satisfy the court, he shall not be allowed on the trial of such action to give evidence of any cause of action other than such as shall have been disclosed in his said affidavit.

(1) Ss. 313. to 323. are applied by the Sea Fisheries Act, 1868 (31 & 32 Vict. c. 45.), s. 10., *post*, to a sea fishery officer acting under that Act. These sections therefore, though repealed by the Customs Consolidation Act, 1876 (39 & 40 Vict. c. 36.), s. 283., are for the purpose of the Sea Fisheries Act, 1868, still in force. See Revised Statutes, Vol. xv., pp. 1321–1323.

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Legal Proceedings generally.

Evidence limited to subject in notice.

314. Upon the trial of any action brought in pursuance of such notice, the plaintiff shall not be entitled to a verdict without proving on the trial that such notice had been duly served, and in default of such proof the defendant in such action shall receive a verdict, with costs, nor shall any such plaintiff be at liberty to produce any evidence of any cause of action, except such as has been distinctly stated in such notice.

Officer may tender amends.

315. It shall be lawful for any officer or other person to whom such notice shall be given, at any time within one month after service of such notice as aforesaid, to tender amends to the plaintiff or his agent or attorney, and in case such amends be not accepted to plead such tender in bar of the action, together with the plea of "Not guilty," and other pleas, with leave of the court, where such leave must be obtained pursuant to the "Common Law Procedure Act, 1852"; and if upon the trial of such action the jury shall find the amends so tendered sufficient, they shall give a verdict for the defendant, and in such case, or in case the plaintiff shall be nonsuited or discontinue his action, or in case judgment be given for such defendant on demurrer, then such defendant shall be entitled to the like costs as he would have been entitled to if he had pleaded the general issue only; but if upon issue joined the jury shall find that no amends were tendered, or that the same were insufficient, or shall find against the defendant on such plea or pleas, then they shall give a verdict for the plaintiff, and such damages as they shall think proper, together with costs of suit.

Officer omitting to tender amends may pay money into court.

316. In case any such officer or other person as aforesaid shall neglect to tender amends, or shall not have tendered sufficient amends, before the action brought, it shall be lawful for him, by leave of the court in which such action shall be brought, at any time before the trial of the said action, to pay into court a sum of money by way of amends, and such proceedings shall be had and taken thereupon, and in relation to the monies so paid into court, as are prescribed by the seventieth, seventy-first, seventy-second, and seventy-third sections of an Act of the fifteenth and sixteenth years of the reign of her Majesty Queen Victoria, chapter seventy-six.

Actions against officers to be brought within two months after cause arises.

317. Every such action against any officer of customs or other such person as aforesaid shall be commenced within two months after the cause of action shall have arisen; and if such action be brought in respect of any seizure made by such officer or other person, such cause of action shall not be deemed to have arisen until the day after the trial of the information with respect to such seizure, and the venue in such action shall be laid in the county or place where the cause thereof is alleged to have occurred; and the defendant may plead the general issue, and give the special matter in evidence on the trial thereof; and if the plaintiff shall be nonsuited or discontinue, or if upon a

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verdict or demurrer judgment shall be given against him, the defendant shall be entitled to costs, and have such remedy for recovering the same as any other defendant now has in other cases where costs are legally recoverable.

Legal Proceedings generally.

318. Any party complaining of any illegal seizure of any boat, vessel, or goods may, after service of the notice in writing to the effect, and within the time herein-before provided in respect to the bringing of any action or actions in the superior court of common law, and in case no such amends as herein-before provided shall have been tendered, proceed against the officer by whom such seizure shall have been made by plaint in the county courts in England, or by civil bill in the assistant barrister's court in Ireland, or by summons in the sheriff's courts in Scotland: Provided always, that the sum claimed for damages by the party so complaining shall not exceed the amount to which the jurisdiction of the said courts respectively is limited.

Actions for illegal seizures may be tried in county court.

319. In the event of any party so complaining as aforesaid resorting for redress to the county courts in England, the action shall be brought within the district where the cause of action shall have arisen, and the proceedings and conduct of the suit shall be regulated as nearly as the circumstances of the case shall allow in conformity with the provisions of the Acts and orders which govern the procedure and practice of the said courts; and such right of appeal shall be allowed to the parties as is provided by the County Courts Acts in other actions now triable by such courts: Provided always, that in every such suit or plaint the county court judge shall hear and determine such case without the assistance of a jury, and that no order for the trial thereof by a jury shall be made by any county court judge, except upon the written consent of the plaintiff and defendant.

Venue confined to district where action arises.

320. Where the party so complaining as aforesaid shall be desirous to bring his suit in the civil bill court in Ireland, he shall bring the same at a general sessions of the peace for the division of the county within which the cause of action shall have arisen, and the proceedings and conduct of the suit shall in like manner be regulated as nearly as the circumstances of the case will allow in conformity with the provisions of the Acts and general rules and orders which govern the procedure and practice of the civil bill courts: Provided always, that it shall not be lawful for any party who shall think himself aggrieved by any decree or decision pronounced by any assistant barrister on the hearing of any such civil bill to appeal therefrom to the next or any other judge of assize, but in lieu of such right of appeal it shall be lawful for the chairman, recorder, or assistant barrister, in case he shall be of opinion that a question of law only is involved in such proceeding, by consent of the parties respectively, to state a special case under his hand for the opinion of the chief or any other baron of the Court of Exchequer in Ireland upon any question of law, and thereupon like proceedings

Action brought in civil bill court, Ireland.

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Legal Proceedings generally.

shall be had and a like decision given upon such appeal and special case, and subject, as nearly as the circumstances will allow, to the like provisions, as in other cases of appeal, save that without further proof of the facts of the case the decision of the judge shall be given upon such special case.

Action in sheriff's court in Scotland.

321. In case the party so complaining as aforesaid shall desire to bring his action in the sheriff's court in Scotland, it shall be lawful for him to proceed in the said court, in which case the proceedings and conduct of the suit shall be regulated as nearly as may be in accordance with the provisions of the Acts and orders of court which govern the procedure and practice of the said court.

Where 20*l.* only is recovered no costs to be allowed unless judge certifies.

322. If in any action commanded after the passing of this Act in any of the superior courts of record in England, Ireland, or Scotland, in which the plaintiff shall seek to recover damages for any alleged illegal seizure or detention of any ship or goods, the said plaintiff shall recover a sum not exceeding twenty pounds, such plaintiff shall have judgment to recover such sum only and no costs, unless at the trial of such cause the judge shall certify on the back of the record either that the case was one that could not be tried, if in England in the county court, if in Ireland in the civil bill court, or if in Scotland in the sheriff's court, or that although within the jurisdiction of those courts respectively it nevertheless was a fit case to be tried in one of such superior courts, or (in case there shall be no trial) unless the court or judge shall make an order to that effect, and it shall not be necessary to enter any suggestion on the record to deprive such plaintiff of costs.

Solicitors clerks and officers of customs may conduct cases.

323. Any person appointed to be solicitor or assistant solicitor of her Majesty's customs, or any clerk duly appointed to act on his behalf or under his or their directions, shall and may in any case relating to the customs, or under the direction of the commissioners of her Majesty's Treasury or customs, act as counsel, solicitor, attorney at law, advocate, or writer to the signet in the prosecution, conduct, or defence of any such case in any court, jurisdiction, or place in which such case may be instituted, and any such solicitor, assistant solicitor, or clerk, and any officer or officers of customs, under the order and directions of the commissioners of customs, may prosecute, defend, or conduct any proceeding before any magistrate or magistrates, justices or justice of the peace, in any matter relating to the customs, to be heard or determined by him or them.]

XI. *Acquisition of Lands, &c.*

Acquisition and Disposal of Lands, &c.

As to the acquisition and disposal of lands, &c. for the service of the customs:

Parties seised or entitled to lands under

336.(1) When parties, being seised, possessed of, or entitled to any such lands, or any estate or interest therein, labour under any

(1) Ss. 336. to 345. both inclusive are incorporated by the Coast Guard Service Act, 1856 (19 & 20 Vict. c. 88.), s. 5., p. 247, *post*.

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Acquisition of Lands, &c.

disability to sell, release, convey, or assign the same, or to contract for the grant of any lease of such lands, either for any term of years or for such periods as the public service shall require, the seventh section of the Lands Clauses Consolidation Act, 1845 (England), and the seventh section of the Lands Clauses Consolidation Act, 1845 (Scotland), shall apply to the cases of the parties so disabled or incapacitated, in whatever part of the United Kingdom the said lands may be situate; and the said sections are hereby respectively made a part of and incorporated with this Act, and shall be applicable to parties so seised or entitled as aforesaid in any part of the United Kingdom; and for the purpose of this Act the expression "the promoters of the undertaking," wherever used in the said clauses of the Lands Clauses Acts, shall mean the person authorized as aforesaid by the commissioners of the Treasury.

disability empowered to sell or convey to Treasury or customs.

Bodies or persons refusing to treat, or to accept consideration offered, justices and others may put her Majesty's officers in possession.

337. In case any bodies or other persons authorized by the clauses of the Acts lastly herein-before mentioned to sell or demise lands so marked out as aforesaid shall for the space of fourteen days (next after notice in writing, subscribed by such person authorized as aforesaid shall have been given to the principal officer or officers of any such body, or to such other persons hereby authorized to contract on behalf of others or interested themselves as aforesaid, or left at his or their usual place of abode, if any such can after diligent inquiry be found, and in case any such parties shall be absent from the United Kingdom, or cannot be found after diligent inquiry, left with the occupier of such land, or if there be no such occupier, shall be affixed upon some conspicuous part of such lands,) refuse to treat or agree, or by reason of absence shall be prevented from treating or agreeing with such person authorized as aforesaid, or shall refuse to accept such annual rent or sum as shall be offered for the hire thereof, either for a time certain or for such period as the public service may require, then and in such case, or in case of disagreement between such bodies or persons so authorized to sell, release, grant, or demise, and the person so authorized as aforesaid by the said commissioners of the Treasury, and in case also it shall not be practicable to procure by voluntary bargain or sale any other land situate and required as aforesaid, then and in such case it shall be lawful for two or more justices to put the officers of customs in possession of such lands, and for that purpose to issue a warrant under their hands and seals requiring possession to be delivered to such of said officers as shall be named therein; and such person so authorized as aforesaid may issue his warrant to the sheriff or sheriffs of the county, riding, stewartry, city, or place wherein such lands shall be situate to summon a jury, and every such sheriff, upon receipt of such warrant, shall, in the manner required by law, summon a jury of twenty-four common jurymen to meet at a convenient time and place to be appointed by him for that purpose, such time not being less than fourteen nor more than twenty-one days after the receipt of such warrant, and such place not being

Justices and others may have a jury summoned.

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Acquisition of Lands, &c.

more than twenty miles distant from the lands in question, unless by consent of the parties interested, and he shall forthwith give notice to the commissioners of customs of the time and place so appointed by him: Provided always, that nothing herein shall be construed to extend to any garden or pleasure ground, or to any land immediately contiguous to and used as the curtilage or homestead of any dwelling house.

Mode of Proceeding by Jury, &c.

As to the mode of proceeding on the inquiry by the jury or juries so summoned as aforesaid:

Incorporation of Lands Clauses Consolidation Act (England and Ireland).

338. Where the lands the subject of inquiry shall be situate either in England or Ireland, the Lands Clauses Consolidation Act, 1845, from section forty to section sixty-eight inclusively, shall be incorporated with this Act; and for the purpose of this Act the expression "the promoters of the undertaking," wherever used in the said Lands Clauses Consolidation Act, shall mean the person authorized as aforesaid by the commissioners of the Treasury.

Incorporation of Lands Clauses Consolidation Act (Scotland).

339. Where the lands the subject of inquiry shall be situate in Scotland, the Lands Clauses Consolidation Act, 1845 (Scotland), from thirty-eight to sixty-eight inclusively, shall be incorporated with this Act; and for the purpose of this Act the expression "the promoters of this undertaking," wherever used in the Lands Clauses Consolidation Act, Scotland, shall mean the person so authorized as aforesaid by the commissioners of the Treasury.

Jury in ascertaining compensation for premises to settle proportion to be paid to lessees.

340. The jury impannelled as aforesaid shall ascertain the compensation to be paid for any such lands, and the proportion to be paid out of such compensation to any lessees or tenants at will or otherwise, of such lands, and the proportion so to be paid shall be returned on the verdict.

Upon delivering up lands to the owners, all erections for the public service to be removed, making compensation to owners.

341. In all cases where lands shall be taken under the provisions of this Act for a term of years or for such period as the public service shall require, the commissioners of the Treasury, or any other person so authorized as aforesaid, at any time before the possession of lands shall be delivered up to the owner thereof, or other person acting on his behalf, shall remove all such buildings or other erections which may have been erected thereon for the public service, and carry away the materials thereof, making such compensation to the owner or owners of such lands, or other person or persons acting on his behalf, for the damage which may have been done thereto or to the soil thereof by the erection of any such buildings, or removing and carrying away the same or otherwise, as the said commissioners of the Treasury or other person authorized as aforesaid shall think reasonable, and if such owner or owners, or other person acting on his behalf, shall not be willing to accept the compensation so offered, the said commissioners of the Treasury or other person so authorized as aforesaid may require two justices of the peace of the county,

In case of dispute compensation to be settled by two justices.

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riding, stewartry, city, or place to ascertain the compensation which ought to be made for such damage, and such justices shall ascertain the same, and grant a certificate thereof, and the amount of such compensation so ascertained and certified shall forthwith be paid by warrant of the commissioners of the Treasury to the person entitled thereto: Provided, that nothing herein shall be construed to extend to alter, prejudice, or affect any agreement which has or shall be entered into by any such person authorized as aforesaid with any owner of such lands, or other person acting on his behalf, in relation to such buildings or erections.

Acquisition of Lands, &c.

Act not to affect agreements between the Treasury and the owner.

As to the application of purchase monies, &c. for lands purchased or taken from parties under disability, &c.:

Application of Purchase Money.

[342.(1) In all cases where any money shall have been or shall be agreed, or shall have been or shall be found by the verdict of any jury to be paid for the use or possession of lands taken by virtue of this Act belonging to any person under any disability or incapacity, or not having the absolute interest therein, the same shall be paid by warrant of the commissioners of the Treasury to the proper officer of the Court of Exchequer at Westminster, Edinburgh, or Dublin respectively for the time being for receiving the monies belonging to the suitors of the said court, for the use of such person, and such officer is hereby authorized and required to receive and give a discharge for such money, and upon receipt thereof to sign a certificate to the barons of the said Courts of Exchequer respectively, under his hand, signifying that such money was received by him for the use of such person who shall be named in such certificate, and the said certificate shall be filed in the said Court of Exchequer at Westminster, Edinburgh, or Dublin respectively, as the case may be, and a copy thereof, signed by such officer, shall be read and allowed as evidence for the purposes herein-after mentioned, and such officer is hereby required, upon receipt of any such sum of money as aforesaid, to pay the same into the Bank of England, or Bank of Scotland, or Royal Bank of Scotland, or Bank of Ireland, as the case may require, and immediately upon the filing of such certificate the said lands shall be vested in or to the use of her Majesty, her heirs and successors.]

Money given for lands belonging to incapacitated persons, &c. to be paid to the proper officer of the Exchequer for their use;

and upon his certificate of receipt lands may be vested in her Majesty.

343. Upon the application by petition of any party making claim to the money so deposited, or any part thereof, or to the lands in respect whereof the same shall have been so deposited, or any part of such lands, or any interest in the same, the barons of the Court of Exchequer at Westminster, Edinburgh, or Dublin may in a summary way, as to them shall seem fit, order such money to be invested in the public funds, or may order distribution thereof, or payment of the dividends thereof, according

Barons of Exchequer upon application of parties interested may order disposal of money deposited.

(1) This section, though repealed by the Customs Consolidation Act, 1876 (39 & 40 Vict. c. 36.), s. 288., is incorporated by the Coast Guard Service Act, 1856 (19 & 20 Vict. c. 83.), s. 5., p. 247, *post*, and therefore as regards that Act is, as far as applicable, still in force.

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Acquisition of Lands, &c.

to the respective interests of the parties making claim to such monies or lands or any part thereof, and may make such other order in the premises as the court shall deem fit.

On the death or removal of officer of Exchequer, stocks and securities shall vest in his successor.

344. Upon the death, removal, or resignation of any such officer of the said Courts of Exchequer, all stocks and securities vested in him by virtue of this Act shall vest in the succeeding officer of the Exchequer for the purposes herein-before mentioned, without any assignment or transfer; and all monies paid in the said banks respectively in pursuance of this Act, or remaining in the hands of any such officer at his death, resignation, or removal, and not vested in the funds or placed out on securities as aforesaid, shall be paid over to the succeeding officer for the like purpose for the time being.

Costs of Conveyance, &c.

And as to the costs of conveyances or leases of lands under this Act:

Certain sections of Lands Clauses Consolidation Act incorporated.

345. Sections eighty-one, eighty-two, and eighty-three of the Lands Clauses Consolidation Act, 1845, shall be and are hereby incorporated with this Act, so far as the same shall relate to the conveyance or demise of lands in England and Ireland; and sections eighty, eighty-one, and eighty-two of the Lands Clauses Consolidation Act (Scotland), shall be and are hereby incorporated with this Act, so far as the same shall relate to the conveyance or demise of lands in Scotland; the expression of "the promoters of "the undertaking," wherever used in the said Acts respectively, to mean the persons so authorized as aforesaid by the commissioners of the Treasury.

* * * * * * *

As to the interpretation of terms used in this Act:

Interpretation of terms.

357.(1) For the purposes of this Act,—

"Assistant barrister" shall, with respect to matters or proceedings in the county of Dublin, be construed as meaning the chairman of Kilmainham, and with respect to matters or proceedings in the city of Dublin, be construed as meaning the recorder of the city of Dublin:

"Attorney general" shall include solicitor general or other chief law officer of the Crown in any of her Majesty's possessions abroad where there is no attorney general:

"British possession" shall include colony, plantation, island, territory, or settlement belonging to her Majesty:

"Channel Islands" shall mean the islands of Guernsey, Jersey, Alderney, and Sark:

"Collector and comptroller" generally, wherever any act, matter, or thing shall or may be required by this or any other Act of Parliament to be done by or with the col-

(1) Semble;—sections 357. and 360. must be considered in force as regard Acts by or into which sections of 16 & 17 Vict. c. 107. are applied or incorporated.

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lector and comptroller of any port or place, the same may be done by or with the collector or comptroller or other principal acting officer of customs at such port or place, and be as valid and effectual as if done by or with any collector and comptroller:

"Commissioners of the Treasury" shall mean the lords commissioners of her Majesty's Treasury:

"Commissioners of customs" shall mean the commissioners of her Majesty's customs:

"County" shall mean and include any city, county of a city, county of a town, borough, or other magisterial jurisdiction, or any place or district enumerated in section two hundred and seventy-four of this Act, unless there be something in the subject or context repugnant to such construction:

"Drawback" shall include bounty:

"Her Majesty" shall mean her Majesty, her heirs, and successors:

"Justice" shall mean justice of the peace, and include deemster, or any other magistrate:

"Landing waiter" shall include any officer duly authorized to superintend the landing and examination of goods on their importation:

"Limits of East India Company's Charter" shall mean the Cape of Good Hope and all places and seas eastward thereof to the Straits of Magellan:

"Master" shall mean the person having or taking the charge or command of any ship:

"Queen's warehouse" shall mean any place provided by the Crown for lodging goods therein for security of the customs:

"Seamen" shall include mate, mariner, sailor, or landsmen, being one of the crew of any ship:

"Ship" shall mean ship or vessel of any description, unless used to distinguish a ship from a sloop or some other description of vessel:

"Warehouse" shall mean any place in which goods entered to be warehoused may be lodged, kept, and secured.

Commencement and short title of Act.

360. This Act shall come into operation on the day of the passing of this Act; and in citing it in other Acts of Parliament, and in legal instruments, it shall be sufficient to use the expression "The Customs Consolidation Act, 1853."

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17 & 18 Victoria.—A.D. 1854.

Cap. XV.

An Act to empower the Commissioners of the Admiralty to construct a Tunnel between Her Majesty's Dockyard at Devonport and Her Majesty's Steam Factory Yard at Keyham, and to acquire certain Property for Her Majesty's Service.(1) [2d June 1854.]

8 & 9 Vict. c. 18. incorporated with this Act.

1. The several provisions of "The Lands Clauses Consolidation Act, 1845," shall, so far as the same may be applicable to and are not inconsistent with or modified by the provisions of this Act, be incorporated with and form part of this Act, and shall be applicable to the purposes aforesaid.

Interpretation of terms.

2. For the purposes of this Act the word "lands," where used in the "Lands Clauses Consolidation Act, 1845," and in this Act, or either of them, shall extend to messuages, lands, tenements, and hereditaments of every tenure, and to the right and privilege of making and acquiring the said communication,(2) with shafts and entrances thereto, and the space or portion of ground required, and which may be purchased or acquired for the same, and to all such portions as aforesaid of her Majesty's dockyard at Devonport, and the free use in perpetuity of the roadways, ways, and passages held therewith, and all other lands, rights, and property, estates and interests, which the said commissioners are hereby empowered to purchase or acquire; and the words "commissioners of the Admiralty," where used in this Act, shall mean any two or more of the commissioners for executing the office of lord high admiral of the United Kingdom of Great Britain and Ireland for the time being; and the word "tunnel," where used in this Act, shall mean any communication between her Majesty's dockyard at Devonport and her Majesty's steam factory yard at Keyham in the county of Devon, whether the same be made solely by a tunnel or solely by open cutting, or partly by a tunnel and partly by open cutting; and the commissioners of the Admiralty shall be and be deemed to be the promoters of the undertaking.

Commissioners to keep tunnel and roads in repair.

6. The commissioners of the Admiralty shall and they are hereby required from time to time and at all times to keep or cause to be kept the said tunnel and the walls thereof in good and substantial repair, and shall, from and after the use of the roadways referred to in the first part of the first schedule to this Act shall have been purchased by them, repair, amend, and keep

(1) This Act, though included in the public statutes, is of a local nature. The parts only are here printed which appear to confer rights or impose liabilities on the Admiralty. Their powers for compulsory purchase being limited to three years from the passing of the Act by s. 11., the parts having reference to purchase are omitted.

(2) *i.e.*, the tunnel or communication between the dockyard at Devonport and the steam factory yard at Keyham.

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up, at the charge of her Majesty, her heirs and successors, the same roads and ways, and where needful fence in that road or way which in the said schedule is designated by No. 2.

After purchase of Devonport yard, the same to be used as one of her Majesty's dockyards.

8. That all such parts of her Majesty's dockyard at Devonport the fee simple of which may be purchased under or by virtue of the provisions of this Act shall, from and after the completion of any such purchase or purchases, be always thereafter used for one or for part of one of her Majesty's dockyards, and for buildings, erections, and other works necessary for the same, and for no other purpose whatsoever.

A certain piece of ground to be always used as a footway.

9. That the piece or parcel of land or ground described in the second schedule to this Act shall for ever hereafter be and be used as a public highway or footway or part of a public highway or footway, and for no other purpose, and no building or erection whatsoever shall ever be constructed or commenced thereon or on any part thereof.

Powers given to commissioners to apply to purchases made as well as those to be made.

12. The powers and authorities by this Act given to the commissioners of the Admiralty relative to the lands mentioned and comprised in the said book of reference and in the schedules to this Act annexed or either of them, shall, so far as the commissioners of the Admiralty may at any time or times deem expedient for effecting any of the objects of this Act, be applicable as well to any of such lands already purchased or taken, or agreed to be purchased or taken, as to such as shall hereafter be purchased or taken under the provisions of this Act.

All lands purchased or taken by commissioners to vest in them in trust.

13. Subject to the provisions of this Act, the lands which shall be purchased, taken, or acquired by the commissioners of the Admiralty for the purposes of this Act or under the provisions of this Act, or which may have been purchased or been agreed to be purchased as aforesaid, shall be vested in the said commissioners, their successors in office and assigns, in trust for her Majesty, her heirs and successors, for the public service, and no other commissioners nor any trustees nor other persons shall after such purchase, taking, or acquiring as aforesaid lay down or construct any road or way, or any pipe for gas, water, or otherwise, or any drain, sewer, or watercourse, in, under, through, or over the said lands, or interfere in any manner therewith, except in such manner as may be previously approved of by the commissioners of the Admiralty in writing under the hand of the secretary of the Admiralty.

Commissioners may sell or let lands.

14. It shall be lawful for the commissioners of the Admiralty to sell, exchange, or in any manner dispose of or to let or demise all or any of the lands purchased, taken, or acquired by or vested in them under the authority of this Act, with their respective appurtenances (save and except the property mentioned in the eighth section of this Act) which shall not at any time or times in the opinion of the said commissioners be required for the purposes thereof, either by public auction or private contract; and it shall be lawful for them to convey and assign or to grant

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or demise the same or any part thereof to any person who shall be willing to purchase or take the same, and for that purpose to make and execute all such conveyances, assurances, leases, and agreements as may be thought proper, and also to do any other act, matter, or thing in relation to such lands which shall by the said commissioners be deemed beneficial for the public service in relation thereto, or for the better management thereof, and which might be done by any other person having the absolute fee simple in any such lands.

Monies produced by sale of lands to be paid to her Majesty's paymaster general.

15. The monies to arise and to be produced by sale or exchange of any lands which shall be sold or exchanged or conveyed under the provisions of this Act shall be paid by the purchaser thereof, or the person making any such exchange, to her Majesty's paymaster general for the time being, and the receipt of the said paymaster general for any such monies (such receipt to be indorsed on every such conveyance as aforesaid) shall effectually discharge the purchaser or person by whom or on whose account the same shall be so paid.

After payment, purchaser to stand possessed of the lands so purchased.

16. Immediately from and after the payment of such purchase money and the execution of every such conveyance as aforesaid, the purchaser therein named shall be deemed to stand seised and possessed of the lands which shall be so purchased by and conveyed or made over to him freed and absolutely discharged of and from all and all manner of prior estates, rights, interests, charges, incumbrances, and demands whatsoever which can or may be had, made, or set up in respect of such lands by any person whomsoever, by, from, under, or in trust for her Majesty, her heirs and successors, or on any account whatsoever, save and except such estates, rights, interests, charges, incumbrances, claims, and demands (if any) as in any such conveyance shall be excepted.

Moon Cove not to be built upon without consent of Admiralty.

17. From and after the passing of this Act, no part of what now forms the creek or cove called Moon Cove, referred to in the second part of the first schedule to this Act, shall be filled up or interfered with, nor shall the soil thereof or of any part thereof be built upon, without the previous consent of the commissioners of the Admiralty signified by writing under the hand of their secretary.

Powers for the gas company after execution of works.

21. If, after the construction of the said tunnel across, along, or under any street or public thoroughfare in which the said gas and coke company(1) are authorized to lay down mains or pipes, such company shall require to lay down mains or pipes across, under, over, or along the said tunnel, it shall be lawful for such company, having first given at least ten days notice to the commissioners of the admiralty, by leaving the same with the superintendent of her Majesty's dockyard at Devonport, (except in cases of emergency, when as long a notice as practicable shall be given to the said superintendent before the ground is opened,)

(1) *i.e.*, the Devonport Gas and Coke Company mentioned in s. 18.

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to open the ground over or along the course of the said tunnel, for the purpose of laying down, repairing, cleansing, or inspecting such mains or pipes, and to lay down, repair, cleanse, and inspect such mains or pipes as often as may be requisite; provided, nevertheless, that such works shall be executed only according to plans which shall be previously submitted to the commissioners of the Admiralty by the Devonport Gas and Coke Company, and approved of by the commissioners of the Admiralty; and the security of the said tunnel and its efficient working shall not be interfered with by any such works.

The FIRST SCHEDULE to which the foregoing Act refers.

FIRST PART THEREOF.

All such parts of her Majesty's dockyard at Devonport in the county of Devon, the fee simple of which may not at the time of the passing of this Act be vested in her Majesty, her heirs and successors, or in the commissioners for executing the office of lord high admiral of the United Kingdom of Great Britain and Ireland, in trust for her Majesty, her heirs and successors, for the public service, and also the free use in perpetuity of all the roads, roadways, ways, and passages following; that is to say,

No. 1. A certain roadway or passage for all foot passengers, and horses, carts, and carriages whatsoever, adjoining the outer wall of the said dockyard on the north, south, and east sides thereof, and is known by the names following; that is to say, North Corner, Holman's Buildings, Queen Street, Dock-wall Street, James Street, and Mutton Cove, and extends in length about three thousand eight hundred feet, and in width from the said dockyard wall thirty feet.

No. 2. A certain roadway or passage for all foot passengers, and horses, carts, and carriages whatsoever, in, over, through, or upon all that roadway or passage of thirty feet broad or thereabouts in every part thereof, extending in an easterly direction from a gate or place at the west end of Fore Street, Devonport, in the parish of Stoke Damerel in the said county of Devon, called or known by the name of the Dockyard Gate, unto or near a gate or place now or heretofore called Parsons Gate, which said roadway or passage is seven hundred and two yards in length or thereabouts, and forms part of Fore Street, aforesaid, and of the High Road from Devonport aforesaid to the borough of Tavistock in the said county of Devon, and which said roadway contains seven thousand and twenty square yards superficial measure or thereabouts, and is bounded on the north and south partly by other parts of Fore Street aforesaid, and partly by lands, buildings, fortifications, and works belonging to the principal officers of her Majesty's ordnance in trust for her Majesty, on the west partly by the said dockyard gate and partly by a portion of the wall of her Majesty's dockyard at Devonport aforesaid, and on the east by the turnpike road leading to Tavistock aforesaid.

THE SECOND PART of the said First Schedule.

All that piece or parcel of ground situate, lying, and being in Morice Town in the borough of Devonport in the parish of Stoke Damerel in the county of Devon, including the following, namely:

Firstly. The whole of a yard known by the name of Bird's Timber Yard, containing twenty-two thousand five hundred and ninety-four feet and seven inches or thereabouts superficial measure.

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Secondly. The northern portion of a yard known as Colwell's Yard, situate on the western side of the said last-named yard, such portion of Colwell's Yard being in length on the eastern side thereof seventy-four feet or thereabouts, and on the western side thereof twenty-three feet or thereabouts, which said portion containing by admeasurement two thousand eight hundred and eleven feet eleven inches or thereabouts superficial measure.

Thirdly. The northern portion of a yard known as Cornish's Yard, situate on the western side of Colwell's Yard aforesaid, which said portion of Cornish's Yard is in length on the eastern side thereof twenty-three feet or thereabouts, and terminates at a point at the north-western corner of Cornish's Yard aforesaid, which said last-named portion contains by admeasurement one thousand and fifty-nine superficial feet or thereabouts.

Fourthly. A slip or portion of ground immediately adjoining the first-named yard on its eastern side, now occupied as a plantation and roadway, and containing by admeasurement five hundred and ninety-seven feet eight inches or thereabouts superficial measure, the whole of which said piece or parcel of ground (comprising the premises firstly, secondly, thirdly, and fourthly in this second part of the said first schedule described) is bounded on the north by the Keyham Steamyard and a portion of a creek or cove known as Moon Cove, on the south by the path or footway of a street or road leading from the northern end of William Street to the northern end of Tamar Street, both in Morice Town aforesaid, and portions of the said Colwell's Yard and Cornish's Yard, on the east by a piece of ground forming a portion of the western footpath of Morice Place in Morice Town aforesaid, and on the west by a portion of Colwell's Yard aforesaid and Moon Cove aforesaid, which said piece or parcel of ground (comprising the premises firstly, secondly, thirdly, and fourthly in this second part of the said first schedule described) contains in the whole twenty-seven thousand and sixty-three feet and two inches or thereabouts superficial measure.

The SECOND SCHEDULE to which the foregoing Act refers.

All that piece or parcel of ground situate and being in Morice Town in the borough of Devonport in the parish of Stoke Damerel in the county of Devon, forming or which is intended to form a portion of the western footpath of Morice Place in Morice Town aforesaid, which said portion of footpath was lately dedicated or intended to be dedicated by the trustees of the lord of the manor of Stoke Damerel to the use of the public, and containing by admeasurement eight hundred and ninety-six square feet and four inches or thereabouts superficial measure, which said piece or parcel of ground is bounded on the north by the Keyham Steamyard, on the south by the northern footpath of a road or street leading from the northern end of William Street to the northern end of Tamar Street in Morice Town aforesaid, on the east by the western footpath of Morice Place in Morice Town aforesaid, and on the west by a slip of ground occupied as a plantation and roadway.

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17 & 18 Victoria.—A.D. 1854.

CAP. CIV.

An Act to amend and consolidate the Acts relating to Merchant Shipping. [10th August 1854.]

WHEREAS it is expedient to amend and consolidate the Acts relating to merchant shipping: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Preliminary.

Short title of Act.

1. This Act may be cited for all purposes as "The Merchant Shipping Act, 1854."

Interpretation of certain terms in this Act.

2. In the construction and for the purposes of this Act (if not inconsistent with the context or subject matter) the following terms shall have the respective meanings herein-after assigned to them; that is to say,

"Her Majesty's dominions" shall mean her Majesty's dominions strictly so called, and all territories under the government of the East India Company, and all other territories (if any) governed by any charter or licence from the Crown or Parliament of the United Kingdom:

"The United Kingdom" shall mean Great Britain and Ireland:

"British possession" shall mean any colony, plantation, island, territory, or settlement within her Majesty's dominions and not within the "United Kingdom":

"The Treasury" shall mean the commissioners of her Majesty's Treasury:

"The Admiralty" shall mean the lord high admiral or the commissioners for executing his office:

"The Board of Trade" shall mean the lords of the committee of privy council appointed for the consideration of matters relating to trade and foreign plantations:

"The Trinity House" shall mean the master, wardens, and assistants of the guild, fraternity, or brotherhood of the most glorious and undivided Trinity and of St. Clement in the parish of Deptford Strond in the county of Kent, commonly called the corporation of the Trinity House of Deptford Strond:

"The port of Dublin corporation" shall mean the corporation for preserving and improving the port of Dublin:

"Consular officer" shall include consul general, consul, and vice consul, and any person for the time being discharging the duties of consul general, consul, or vice consul:

"Receiver" shall mean any person appointed in pursuance of this Act receiver of wreck:

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Preliminary.

"Pilotage authority" shall include all bodies and persons authorized to appoint or license pilots, or to fix or alter rates of pilotage, or to exercise any jurisdiction in respect of pilotage:

"Pilot" shall mean any person not belonging to a ship who has the conduct thereof:

"Qualified pilot" shall mean any person duly licensed by any pilotage authority to conduct ships to which he does not belong:

"Master" shall include every person (except a pilot) having command or charge of any ship:

"Seaman" shall include every person (except masters, pilots, and apprentices duly indentured and registered,) employed or engaged in any capacity on board any ship:

"Salvor" shall, in the case of salvage services rendered by the officers or crew or part of the crew of any ship belonging to her Majesty, mean the person in command of such ship:

"Person" shall include body corporate:

"Ship" shall include every description of vessel used in navigation not propelled by oars:

"Foreign-going ship" shall include every ship employed in trading or going between some place or places in the United Kingdom, and some place or places situate beyond the following limits; that is to say, the coasts of the United Kingdom, the islands of Guernsey, Jersey, Sark, Alderney, and Man, and the continent of Europe between the river Elbe and Brest inclusive:

"Home-trade ship" shall include every ship employed in trading or going within the following limits; that is to say, the United Kingdom, the islands of Guernsey, Jersey, Sark, Alderney, and Man, and the continent of Europe between the river Elbe and Brest inclusive:

"Home-trade passenger ship" shall mean every home-trade ship employed in carrying passengers:

"Lighthouses" shall, in addition to the ordinary meaning of the word, include floating and other lights exhibited for the guidance of ships, and "buoys and beacons" shall include all other marks and signs of the sea:

"Wreck"(1) shall include jetsam, flotsam, lagan, and derelict found in or on the shores of the sea or any tidal water.

Exemption of her Majesty's ships.

4. This Act shall not, except as herein-after specially provided, apply to ships belonging to her Majesty.

(1) *See* the Sea Fisheries Act, 1868 (31 & 32 Vict. c. 45.), s. 21., *post*, by which the term "wreck" is extended so as to include the boats and articles specified in article 22 of the first schedule to that Act. *See also* Sea Fisheries Act, 1883 (46 & 47 Vict. c. 22.), s. 10., by which term "wreck" is extended to boats and things specified in article 25 of first schedule to that Act.

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Preliminary.

Division of Act.

5. This Act shall be divided into eleven parts:
The first part relating to the Board of Trade: its general functions:
The second part to British ships: their ownership, measurement, and registry:
The third part to masters and seamen:
The fourth part to safety and prevention of accidents:
The fifth part to pilotage:
The sixth part to lighthouses:
The seventh part to the Mercantile Marine Fund:
The eighth part to wrecks, casualties, and salvage:
The ninth part to liability of shipowners:
The tenth part to legal procedure:
The eleventh part to miscellaneous matters.

PART I.

THE BOARD OF TRADE: ITS GENERAL FUNCTIONS.

Officers of Board of Trade, naval officers, consuls, the registrar general of seamen, officers of customs and shipping masters, may inspect documents and muster crews.

13. Every officer of the Board of Trade, and every commissioned officer of any of her Majesty's ships on full pay, and every British consular officer, and the registrar general of seamen and his assistant, and every chief officer of customs in any place in her Majesty's dominions, and every shipping master, may, in cases where he has reason to suspect that the provisions of this Act or the laws for the time being relating to merchant seamen and to navigation are not complied with, exercise the following powers; (that is to say,)

He may require the owner, master, or any of the crew of any British ship to produce any official log books or other documents relating to such crew or any member thereof in their respective possession or control:

He may require any such master to produce a list of all persons on board his ship, and take copies of such official log books, or documents, or of any part thereof:

He may muster the crew of any such ship:

He may summon the master to appear and give any explanation concerning such ship or her crew or the said official log books or documents:

And if upon requisition duly made by any person so authorized in that behalf as aforesaid, any person refuses or neglects to produce any such official log book or document as he is herein-before required to produce, or to allow the same to be inspected or copied as aforesaid, or impedes any such muster of a crew as aforesaid, or refuses or neglects to give any explanation which he is herein-before required to give, or knowingly misleads or deceives any person herein-before authorized to demand any such

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Functions of Board of Trade.

explanation, he shall for each such offence incur a penalty not exceeding twenty pounds.

Board of Trade may appoint inspectors.

14. The Board of Trade may from time to time, whenever it seems expedient to them so to do, appoint any person, as an inspector, to report to them upon the following matters; (that is to say,)

(1.) Upon the nature and causes of any accident or damage which any ship has sustained or caused, or is alleged to have sustained or caused:

(2.) Whether the provisions of this Act, or any regulations made under or by virtue of this Act, have been complied with:

(3.) Whether the hull and machinery of any steam ship are sufficient and in good condition.

Powers of inspectors.

15. Every such inspector as aforesaid shall have the following powers;(1) (that is to say,)

(1.) He may go on board any ship, and may inspect the same or any part thereof, or any of the machinery, boats, equipments, or articles on board thereof to which the provisions of this Act apply, not unnecessarily detaining or delaying her from proceeding on any voyage:

(2.) He may enter and inspect any premises the entry or inspection of which appears to him to be requisite for the purpose of the report which he is directed to make:

(3.) He may, by summons under his hand, require the attendance of all such persons as he thinks fit to call before him and examine for such purpose, and may require answers or returns to any inquiries he thinks fit to make:

(4.) He may require and enforce the production of all books, papers, or documents which he considers important for such purpose:

(5.) He may administer oaths, or may, in lieu of requiring or administering an oath, require every person examined by him to make and subscribe a declaration of the truth of the statements made by him in his examination:

Witnesses to be allowed expenses;

And every witness so summoned as aforesaid shall be allowed such expenses as would be allowed to any witness attending on subpœna to give evidence before any court of record, or if in Scotland, to any witness attending on citation the Court of Justiciary; and in case of any dispute as to the amount of such expenses the same shall be referred by the inspector to one of the masters of her Majesty's Court of Queen's Bench in England or Ireland, or to the Queen's and lord treasurer's remembrancer in Scotland, who, on a request made to him for that purpose under the hand of the said inspector, shall ascertain and certify

(1) *See* 34 & 35 Vict. c. 110. ss. 7. and 8., *post.*

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the proper amount of such expenses; and every person who refuses to attend as a witness before any such inspector, after having been required so to do in the manner hereby directed and after having had a tender made to him of the expenses (if any) to which he is entitled as aforesaid, or who refuses or neglects to make any answer, or to give any return, or to produce any document in his possession, or to make or subscribe any declarations which any such inspector is hereby empowered to require, shall for each such offence incur a penalty not exceeding ten pounds.

Functions of Board of Trade.

penalty for refusing to give evidence.

16. Every person who wilfully impedes any such inspector appointed by the Board of Trade as aforesaid in the execution of his duty, whether on board any ship or elsewhere, shall incur a penalty not exceeding ten pounds, and may be seized and detained by such inspector or other person or by any person or persons whom he may call to his assistance until such offender can be conveniently taken before some justice of the peace or other officer having proper jurisdiction.

Penalty for obstructing inspectors in the execution of their duty.

PART II.

BRITISH SHIPS: THEIR OWNERSHIP, MEASUREMENT, AND REGISTRY.

Application.

Application.

17. The second part of this Act shall apply to the whole of her Majesty's dominions.

Application of Part II. of Act.

Description and Ownership of British Ships.

Description and Ownership of British Ships.

18. No ship shall be deemed to be a British ship unless she belongs wholly to owners of the following description; that is to say,

Description and ownership of British ships.

(1.) Natural-born British subjects:

Provided that no natural-born subject who has taken the oath of allegiance to any foreign sovereign or state shall be entitled to be such owner as aforesaid, unless he has subsequently to taking such last-mentioned oath taken the oath of allegiance to her Majesty, and is and continues to be during the whole period of his so being an owner resident in some place within her Majesty's dominions, or if not so resident, member of a British factory, or partner in a house actually carrying on business in the United Kingdom or in some other place within her Majesty's dominions:

(2.) Persons made denizens by letters of denization, or naturalized by or pursuant to any Act of the imperial legislature, or by or pursuant to any Act or ordinance of the proper legislative authority in any British possession:

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Description and Ownership of British Ships.

Provided that such persons are and continue to be during the whole period of their so being owners resident in some place within her Majesty's dominions, or if not so resident, members of a British factory, or partners in a house actually carrying on business in the United Kingdom or in some other place within her Majesty's dominions, and have taken the oath of allegiance to her Majesty subsequently to the period of their being so made denizens or naturalized:

(3.) Bodies corporate established under, subject to the laws of, and having their principal place of business in the United Kingdom or some British possession.

British ships with certain exceptions must be registered.

19. Every British ship must be registered in manner herein-after mentioned, except,

(1.) Ships duly registered before this Act comes into operation:

(2.) Ships not exceeding fifteen tons burden employed solely in navigation on the rivers or coasts of the United Kingdom, or on the rivers or coasts of some British possession within which the managing owners of such ships are resident:

(3.) Ships not exceeding thirty tons burden, and not having a whole or fixed deck, and employed solely in fishing or trading coastwise on the shores of Newfoundland or parts adjacent thereto, or in the Gulf of St. Lawrence, or on such portion of the coasts of Canada, Nova Scotia, or New Brunswick as lie bordering on such gulf:

And no ship hereby required to be registered shall, unless registered, be recognized as a British ship; and no officer of customs shall grant a clearance or transire to any ship hereby required to be registered for the purpose of enabling her to proceed to sea as a British ship, unless the master of such ship, upon being required so to do, produces to him such certificate of registry as is herein-after mentioned; and if such ship attempts to proceed to sea as a British ship without a clearance or transire, such officer may detain such ship until such certificate is produced to him.

Measurement of Tonnage.

Measurement of Tonnage.

Tonnage deck; feet; decimals.

20.(1) Throughout the following rules the tonnage deck shall be taken to be the upper deck in ships which have less than three decks, and to be the second deck from below in all other ships; and in carrying such rules into effect all measurement shall be taken in feet and fractions of feet, and all fractions of feet shall be expressed in decimals.

RULE I.

For ships to be registered

21. The tonnage of every ship to be registered, with the exceptions mentioned in the next section, shall previously to her being registered be ascertained by the following rule, herein-after called

(1) Sects. 20.–29. are applied by 36 & 37 Vict. c. 88. s. 14., *post*, to measurement of captured slave ships for the purpose of bounty.

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Measurement of Tonnage.

Rule I.; and the tonnage of every ship to which such rule can be applied, whether she is about to be registered or not, shall be ascertained by the same rule:

and other ships of which the hold is clear.

Lengths.

(1.) Measure the length of the ship in a straight line along the upper side of the tonnage deck from the inside of the inner plank (average thickness) at the side of the stem to the inside of the midship stern timber or plank there, as the case may be, (average thickness,) deducting from this length what is due to the rake of the bow in the thickness of the deck; and what is due to the rake of the stern timber in the thickness of the deck, and also what is due to the rake of the stern timber in one third of the round of the beam; divide the length so taken into the number of equal parts required by the following table according to the class in such table to which the ship belongs:

TABLE.

Class 1. Ships of which the tonnage deck is according to the above measurement 50 feet long or under, into 4 equal parts:

„ 2. Ships of which the tonnage deck is according to the above measurement above 50 feet long and not exceeding 120, into 6 equal parts:

„ 3. Ships of which the tonnage deck is according to the above measurement above 120 feet long and not exceeding 180, into 8 equal parts:

„ 4. Ships of which the tonnage deck is according to the above measurement above 180 feet long and not exceeding 225, into 10 equal parts:

„ 5. Ships of which the tonnage deck is according to the above measurement above 225 feet long, into 12 equal parts.

Transverse areas.

(2.) Then, the hold being first sufficiently cleared to admit of the required depths and breadths being properly taken, find the transverse area of such ship at each point of division of the length as follows:—Measure the depth at each point of division from a point at a distance of one third of the round of the beam below such deck, or, in case of a break, below a line stretched in continuation thereof, to the upper side of the floor timber at the inside of the limber strake, after deducting the average thickness of the ceiling which is between the bilge planks and limber strake; then, if the depth at the midship division of the length do not exceed sixteen feet, divide each depth into four equal parts; then measure the inside horizontal breadth at each of the three points of division, and also at the upper and lower points of the depth, extending each measurement to the average thickness of that part of the ceiling which is between the points of measurement; number these breadths from above (*i.e.*, numbering the upper breadth

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Measurement of Tonnage.

one, and so on down to the lowest breadth); multiply the second and fourth by four, and the third by two; add these products together, and to the sum add the first breadth and the fifth; multiply the quantity thus obtained by one third of the common interval between the breadths, and the product shall be deemed the transverse area; but if the midship depth exceed sixteen feet, divide each depth into six equal parts instead of four, and measure as before directed the horizontal breadths at the five points of division, and also at the upper and lower points of the depth; number them from above as before; multiply the second, fourth, and sixth by four, and the third and fifth by two; add these products together, and to the sum add the first breadth and the seventh; multiply the quantity thus obtained by one third of the common interval between the breadths, and the product shall be deemed the transverse area.

Computation from areas.

(3.) Having thus ascertained the transverse area at each point of division of the length of the ship as required by the above table, proceed to ascertain the register tonnage of the ship in the following manner:—Number the areas successively 1, 2, 3, &c., No. 1. being at the extreme limit of the length at the bow, and the last No. at the extreme limit of the length at the stern; then whether the length be divided according to the table into four or twelve parts as in classes 1 and 5, or any intermediate number as in classes 2, 3, and 4, multiply the second and every even numbered area by four, and the third and every odd numbered area (except the first and last) by two; add these products together, and to the sum add the first and last if they yield anything; multiply the quantity thus obtained by one third of the common interval between the areas and the product will be the cubical contents of the space under the tonnage deck; divide this product by one hundred, and the quotient being the tonnage under the tonnage deck shall be deemed to be the register tonnage of the ship, subject to the additions and deductions herein-after mentioned.

Poop and any other closed-in space.

(4.) If there be a break, a poop, or any other permanent closed-in space on the upper deck, available for cargo or stores, or for the berthing or accommodation of passengers or crew, the tonnage of such space shall be ascertained as follows:—Measure the internal mean length of such space in feet, and divide it into two equal parts; measure at the middle of its height three inside breadths, namely, one at each end and the other at the middle of the length; then to the sum of the end breadths add four times the middle breadth, and multiply the whole sum by one third of the common interval between the breadths; the product will give the mean horizontal area of such space; then measure the mean height, and

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Measurement of Tonnage.

multiply by it the mean horizontal area; divide the product by one hundred, and the quotient shall be deemed to be the tonnage of such space, and shall be added to the tonnage under the tonnage deck, ascertained as aforesaid, subject to the following provisoes; first, that nothing shall be added for a closed-in space solely appropriated to the berthing of the crew, unless such space exceeds one twentieth of the remaining tonnage of the ship, and in case of such excess the excess only shall be added; and secondly, that nothing shall be added in respect of any building erected for the shelter of deck passengers, and approved by the Board of Trade.

In case of two or more decks.

(5.) If the ship has a third deck, commonly called a spar deck, the tonnage of the space between it and the tonnage deck shall be ascertained as follows:—Measure in feet the inside length of the space at the middle of its height from the plank at the side of the stem to the lining on the timbers at the stern, and divide the length into the same number of equal parts into which the length of the tonnage deck is divided as above directed; measure (also at the middle of its height) the inside breadth of the space at each of the points of division, also the breadth of the stem and the breadth at the stern; number them successively 1, 2, 3, &c., commencing at the stem; multiply the second and all the other even numbered breadths by four, and the third and all the other odd numbered breadths (except the first and last) by two; to the sum of these products add the first and last breadths; multiply the whole sum by one third of the common interval between the breadths, and the result will give in superficial feet the mean horizontal area of such space; measure the mean height of such space, and multiply by it the mean horizontal area, and the product will be the cubical contents of the space; divide this product by one hundred, and the quotient shall be deemed to be the tonnage of such space, and shall be added to the other tonnage of the ship ascertained as aforesaid; and if the ship has more than three decks, the tonnage of each space between decks above the tonnage deck shall be severally ascertained in manner above described, and shall be added to the tonnage of the ship ascertained as aforesaid.

RULE II.

For ships not requiring registry with cargo on board.

22. Ships which, requiring to be measured for any purpose other than registry, have cargo on board, and ships which, requiring to be measured for the purpose of registry, cannot be measured by the rule above given, shall be measured by the following rule, herein-after called Rule II.: (1)

Length.

(1.) Measure the length on the upper deck from the outside of the outer plank at the stem to the aftside of the stern

(1) Ships measured under Rule II. may be re-measured under Rule I., 18 & 19 Vict. c. 91. s. 14., p. 236, *post*.

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Measurement of Tonnage.

post, deducting therefrom the distance between the aftside of the stern post and the rabbet of the stern post at the point where the counter plank crosses it;

Breadth.

measure also the greatest breadth of the ship to the outside of the outer planking or wales, and then, having first marked on the outside of the ship on both sides thereof the height of the upper deck at the ship's sides, girt the ship at the greatest breadth in a direction perpendicular to the keel from the height so marked on the outside of the ship on the one side to the height so marked on the other side by passing a chain under the keel; to half the girth thus taken add half the main breadth; square the sum; multiply the result by the length of the ship taken as aforesaid; then multiply this product by the factor ·0018 (eighteen ten-thousandths) in the case of ships built of wood and by ·0021 (twenty-one ten-thousandths) in the case of ships built of iron, and the product shall be deemed the register tonnage of the ship, subject to the additions and deductions herein-after mentioned.

Girting of the ship.

Poop and other closed-in spaces on upper deck.

(2.) If there be a break, a poop, or other closed-in space on the upper deck the tonnage of such space shall be ascertained by multiplying together the mean length, breadth, and depth of such space, and dividing the product by 100, and the quotient so obtained shall be deemed to be the tonnage of such space, and shall, subject to the deduction for a closed-in space appropriated to the crew as mentioned in Rule I., be added to the tonnage of the ship ascertained as aforesaid.(1)

RULE III.

Allowance for engine room in steamers.

23. In every ship propelled by steam or other power requiring engine room, an allowance shall be made for the space occupied by the propelling power, and the amount so allowed shall be deducted from the gross tonnage of the ship ascertained as aforesaid, and the remainder shall be deemed to be the register tonnage of such ship; and such deduction shall be estimated as follows; (that is to say,)

To be rateable in ordinary steamers.

(*a.*) As regards ships propelled by paddle wheels in which the tonnage of the space solely occupied by and necessary for the proper working of the boilers and machinery is above twenty per cent. and under thirty per cent. of the gross tonnage of the ship, such deduction shall be thirty-seven one-hundredths of such gross tonnage; and in ships propelled by screws in which the tonnage of such space is above thirteen per cent. and under twenty per cent. of such gross tonnage, such deduction shall be thirty-two one-hundredths of such gross tonnage:

May be measured where the space is un-

(*b.*) As regards all other ships, the deduction shall, if the commissioners of customs(2) and the owner both agree thereto,

(1) *See* 18 & 19 Vict. c. 91. s. 14., p. 236, *post*.

(2) Read "Board of Trade" instead of commissioners of customs, 35 & 36 Vict. c. 73. s. 3.

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Measurement of Tonnage.

be estimated in the same manner; but either they or he may in their or his discretion require the space to be measured and the deduction estimated accordingly; and whenever such measurement is so required the deduction shall consist of the tonnage of the space actually occupied by or required to be inclosed for the proper working of the boilers and machinery, with the addition in the case of ships propelled by paddle wheels of one half, and in the case of ships propelled by screws of three fourths of the tonnage of such space; and the measurement and use of such space shall be governed by the following rules; (that is to say,)

usually large or small.

Mode of measurement.

(1.) Measure the mean depth of the space from its crown to the ceiling at the limber strake, measure also three, or, if necessary, more than three breadths of the space at the middle of its depth, taking one of such measurements at each end, and another at the middle of the length; take the mean of such breadths; measure also the mean length of the space between the foremost and aftermost bulkheads or limits of its length, excluding such parts, if any, as are not actually occupied by or required for the proper working of the machinery; multiply together these three dimensions of length, breadth, and depth, and the product will be the cubical contents of the space below the crown; then find the cubical contents of the space or spaces, if any, above the crown aforesaid, which are framed in for the machinery or for the admission of light and air, by multiplying together the length, depth, and breadth thereof; add such contents to the cubical contents of the space below the crown; divide the sum by 100; and the result shall be deemed to be the tonnage of the said space:

In case of separate compartments.

(2.) If in any ship in which the space aforesaid is to be measured the engines and boilers are fitted in separate compartments, the contents of each shall be measured severally in like manner, according to the above rules, and the sum of their several results shall be deemed to be the tonnage of the said space:

Shaft trunk of screw steamer.

(3.) In the case of screw steamers in which the space aforesaid is to be measured, the contents of the shaft trunk shall be added to and deemed to form part of such space, and shall be ascertained by multiplying together the mean length, breadth, and depth of the trunk, and dividing the product by 100:

Alteration of engine room.

(4.) If in any ship in which the space aforesaid is to be measured any alteration be made in the length or capacity of such space, or if any cabins be fitted in such space, such ship shall be deemed to be a ship not registered until remeasurement:

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Measurement of Tonnage.

(5.) If in any ship in which the space aforesaid is to be measured any goods or stores are stowed or carried in such space, the master and owner shall each be liable to a penalty not exceeding one hundred pounds.

Penalty for carrying goods in such space.

RULE IV.

Open ships how measured.

24. In ascertaining the tonnage of open ships the upper edge of the upper strake is to form the boundary line of measurement, and the depths shall be taken from an athwartship line, extended from upper edge to upper edge of the said strake at each division of the length.

* * * * * * *

Tonnage when once ascertained to be ever after deemed the tonnage.

26. Whenever the tonnage of any ship has been ascertained and registered in accordance with the provisions of this Act, the same shall thenceforth be deemed to be the tonnage of such ship, and be repeated in every subsequent registry thereof, unless any alteration is made in the form or capacity of such ship, or unless it is discovered that the tonnage of such ship has been erroneously computed; and in either of such cases such ship shall be remeasured, and her tonnage determined and registered according to the rules herein-before contained in that behalf.

Remeasurement of ships already registered may be made, but not to be compulsory.

27. The rules for the measurement of tonnage herein contained shall not make it necessary to alter the present registered tonnage of any British ship registered before this Act comes into operation; but if the owner of any such ship desires to have the same remeasured according to such rules, he may apply to the commissioners of customs(1) for the purpose, and such commissioners shall thereupon, and on payment of such reasonable charge for the expenses of remeasurement, not exceeding the sum of seven shillings and sixpence for each transverse section, as they may authorize, direct such remeasurement to be made, and such ship shall thereupon be remeasured according to such rules as aforesaid, or according to such of them as may be applicable; and the number denoting the register tonnage shall be altered accordingly.

Power to remeasure engine rooms improperly extended.

28. If it appears to the commissioners of customs(1) that in any steamship measured before this Act comes into operation store rooms or coal bunkers have been introduced into or thrown across the engine room, so that the deduction from the tonnage on account of the engine room is larger than it ought to be, the said commissioners may, if they think fit, direct such engine room to be remeasured according to the rules in force before this Act comes into operation, excluding the space occupied by such store rooms or coal bunkers, or may, if the owners so desire, cause the ship to be remeasured according to the rules herein-before contained, and subject to the conditions contained in the last preceding section; and after remeasurement the said commissioners shall cause the ship to be registered anew, or the registry thereof to be altered, as the case may require.

(1) Read "Board of Trade" instead of commissioners of customs, 35 & 36 Vict. c. 73. s. 3.

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Measurement of Tonnage.

Officers may be appointed and regulations made for measurement of ships.

29. The commissioners of customs (1) may, with the sanction of the Treasury, appoint such persons to superintend the survey and admeasurement of ships as they think fit; and may, with the approval of the Board of Trade, make such regulations for that purpose as may be necessary; and also, with the like approval, make such modifications and alterations as from time to time become necessary in the tonnage rules hereby prescribed, in order to the more accurate and uniform application thereof, and the effectual carrying out of the principle of admeasurement therein adopted.

Certificate of Registry.

Certificate of Registry.

Certificate of registry to be granted.

44. Upon the completion of the registry of any ship the registrar shall grant a certificate of registry in the form marked D. in the schedule hereto, comprising the following particulars; (that is to say,)

(1.) The name of the ship and of the port to which she belongs:

(2.) The details as to her tonnage, build, and description comprised in the certificate herein-before directed to be given by the surveyor:

(3.) The name of her master:

(4.) The several particulars as to her origin stated in the declaration or declarations of ownership:

(5.) The names and descriptions of her registered owner or owners, and if there is more than one such owner, the proportions in which they are respectively interested, indorsed upon such certificate.

Change of owners to be indorsed on certificate of registry.

45. Whenever any change takes place in the registered ownership of any ship, then if such change occurs at a time when the ship is at her port of registry, the master shall forthwith deliver the certificate of registry to the registrar, and he shall indorse thereon a memorandum of such change; but if such change occurs during the absence of the ship from her port of registry, then upon her first return to such port the master shall deliver the certificate of registry to the registrar, and he shall indorse thereon a like memorandum of the change; or if she previously arrives at any port where there is a British registrar, such registrar shall, upon being advised by the registrar of her port of registry of the change having taken place, indorse a like memorandum thereof on the certificate of registry, and may for that purpose require the certificate to be delivered to him, so that the ship be not thereby detained; and any master who fails to deliver to the registrar the certificate of registry as herein-before required shall incur a penalty not exceeding one hundred pounds.

Change of master to be indorsed on certificate of registry.

46. Whenever the master of any British registered ship is changed, the following persons, that is to say, if such change is made in consequence of the sentence of any naval court, the presiding officer of such court, but if the change takes place

(1) Read "Board of Trade" instead of commissioners of customs, 35 & 36 Vict. c. 73. s. 3.

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Certificate of Registry.

from any other cause, the registrar, or if there is no registrar the British consular officer resident at the port where such change takes place, shall indorse on the certificate of registry a memorandum of such change, and subscribe his name to such indorsement, and forthwith report the change of master to the commissioners of customs(1) in London; and the officers of customs at any port situate within her Majesty's dominions may refuse to admit any person to do any act at such port as master of any British ship, unless his name is inserted in or indorsed upon the certificate of registry of such ship as the last appointed master thereof.

Power to grant new certificate.

47. The registrar may, with the sanction of the commissioners of customs, upon the delivery up to him of the former certificate of registry, grant a new certificate in the place of the one so delivered up.

Provision in case of loss of certificate.

48. In the event of the certificate of registry of any ship being mislaid, lost, or destroyed, if such event occurs at any port in the United Kingdom, the ship being registered in the United Kingdom, or at any port in any British possession, the ship being registered in the same British possession, then the registrar of her port of registry shall grant a new certificate of registry in lieu of and as a substitute for her original certificate of registry; but if such event occurs elsewhere, the master or some other person having knowledge of the circumstances shall make a declaration before the registrar of any port having a British registrar at which such ship is at the time or first arrives after such mislaying, loss, or destruction; and such declaration shall state the facts of the case, and the names and descriptions of the registered owners of such ship, to the best of the declarant's knowledge and belief; and the registrar shall thereupon grant a provisional certificate as near to the form appointed by this Act as circumstances permit, and shall insert therein a statement of the circumstances under which such provisional certificate is granted.

Provisional certificate to be delivered up.

49. Every such provisional certificate shall, within ten days after the first subsequent arrival of the ship at her port of discharge in the United Kingdom, if registered in the United Kingdom, or if registered elsewhere, at her port of discharge in the British possession within which her port of registry is situate, be delivered up to the registrar thereof, who shall thereupon grant a new one, as near to the form appointed by this Act as circumstances permit; and if the master neglects to deliver up such certificate within such time he shall incur a penalty not exceeding fifty pounds.

Custody of certificate.

50. The certificate of registry shall be used only for the lawful navigation of the ship, and shall not be subject to detention by reason of any title, lien, charge, or interest whatsoever, which any owner, mortgagee, or other person may have or claim to have on

(1) Read "registrar general of seamen" instead of commissioners of customs, 35 & 36 Vict. c. 73. s. 4.

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or in the ship described in such certificate; and if any person whatever, whether interested or not in the ship, refuses on request to deliver up such certificate when in his possession or under his control to the person for the time being entitled to the custody thereof for the purposes of such lawful navigation as aforesaid, or to any registrar, officer of the customs, or other person legally entitled to require such delivery, it shall be lawful for any justice, by warrant under his hand and seal, or for any court capable of taking cognizance of such matter, to cause the person so refusing to appear before him and to be examined touching such refusal; and unless it is proved to the satisfaction of such justice or court that there was reasonable cause for such refusal the offender shall incur a penalty not exceeding one hundred pounds; but if it is made to appear to such justice or court that the certificate is lost, the party complained of shall be discharged, and such justice or court shall thereupon certify that the certificate of registry is lost.

Certificate of Registry.

Delivery of certificate may be required.

Penalty for detention.

51. If the person charged with such detainer or refusal is proved to have absconded, so that the warrant of the justice or process of the court cannot be served upon him, or if he persists in his refusal to deliver the certificate, such justice or court shall certify the fact, and the same proceedings may then be taken as in the case of a certificate of registry mislaid, lost, or destroyed, or as near thereto as circumstances permit.

Mode of proceeding, if detaining party abscond.

52. If the master or owner of any ship uses or attempts to use for the navigation of such ship a certificate of registry not legally granted in respect of such ship, he shall be guilty of a misdemeanor, and it shall be lawful for any commissioned officer on full pay in the military or naval service of her Majesty, or any British officer of customs, or any British consular officer, to seize and detain such ship, and to bring her for adjudication before the High Court of Admiralty in England or Ireland or any court having Admiralty jurisdiction in her Majesty's dominions; and if such court is of opinion that such use or attempt at use has taken place, it shall pronounce such ship, with her tackle, apparel, and furniture, to be forfeited to her Majesty, and may award such portion of the proceeds arising from the sale of such ship as it may think just to the officer so bringing in the same for adjudication.

Penalty for using improper certificate.

53. If any registered ship is either actually or constructively lost, taken by the enemy, burnt, or broken up, or if by reason of a transfer to any persons not qualified to be owners of British ships, or of any other matter or thing, any such ship as aforesaid ceases to be a British ship, every person who at the time of the occurrence of any of the aforesaid events owns such ship or any share therein shall, immediately upon obtaining knowledge of any such occurrence, if no notice thereof has already been given to the registrar at the port of registry of such ship, give such notice to him, and he shall make an entry thereof in his register book; and, except in cases where the certificate of registry is lost or

Certificate of ship lost or ceasing to be British to be delivered up.

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Certificate of Registry.

destroyed, the master of every ship so circumstanced as aforesaid shall immediately, if such event occurs in port, but if the same occurs elsewhere, then within ten days after his arrival in port, deliver the certificate of registry of such ship to the registrar, or, if there be no registrar, to the British consular officer at such port, and such registrar if he is not himself the registrar of her port of registry, or such British consular officer, shall forthwith forward the certificate so delivered to him to the registrar of the port of registry of the ship; and every owner and master who, without reasonable cause, makes default in obeying the provisions of this section shall for each offence incur a penalty not exceeding one hundred pounds.

Provisional certificate for ship becoming vested in British owners at foreign port.

54. If any ship becomes the property of persons qualified to be owners of British ships at any foreign port, the British consular officer resident at such port may grant the master of such ship, upon his application, a provisional certificate, stating—

The name of the ship;

The time and place of her purchase, and the names of her purchasers;

The name of her master;

The best particulars as to her tonnage, build, and description that he is able to obtain;

And he shall forward a copy of such certificate, at the first convenient opportunity, to the commissioners of customs(1) in London: The certificate so granted shall possess the same force as a certificate of registry until the expiration of six months, or until such earlier time as the ship arrives at some port where there is a British registrar; but upon the expiration of such period, or upon arrival at such port, shall be void to all intents.

Transfers and Transmissions.

Transfers and Transmissions.

Unqualified owner entitled by transmission may apply to court for sale of ship.

62. Whenever any property in a ship or share in a ship becomes vested by transmission on the death of any owner or on the marriage of any female owner in any person not qualified to be the owner of British ships, it shall be lawful, if such ship is registered in England or Ireland for the Court of Chancery, if in Scotland for the Court of Session, or if in any British possession for any court possessing the principal civil jurisdiction within such possession, upon an application made by or on behalf of such unqualified person, to order a sale to be made of the property so transmitted, and to direct the proceeds of such sale, after deducting the expenses thereof, to be paid to the person entitled under such transmission, or otherwise as the court may direct; and it shall be in the discretion of any such court as aforesaid to make or refuse any such order or sale, and to annex thereto any terms or conditions, and to require any evidence in support of such application it may think fit, and generally to act in the premises in such manner as the justice of the case requires.

(1) Read "registrar general of seamen" instead of commissioners of customs, 35 & 36 Vict. c. 73. s. 4.

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Transfers and Transmissions.

Order to be made by court.

63. Every order for a sale made by such court as aforesaid shall contain a declaration vesting the right to transfer the ship or share so to be sold in some person or persons named by the court, and such nominee or nominees shall thereupon be entitled to transfer such ship or share in the same manner, and to the same extent, as if he or they were the registered owner or owners of the same; and every registrar shall obey the requisition of such nominee or nominees as aforesaid in respect of any transfer to the same extent as he would be compellable to obey the requisition of any registered owner or owners of such ship or share.

Limit of time for application.

64. Every such application as aforesaid for sale shall be made within four weeks after the occurrence of the event on which such transmission has taken place, or within such further time as such court as aforesaid may allow, such time not in any case to exceed the space of one year from the date of such occurrence as aforesaid; and in the event of no such application being made within such period as aforesaid, or of such court refusing to accede thereto, the ship or share so transmitted shall thereupon be forfeited in manner herein-after directed with respect to interests acquired by unqualified owners in ships using a British flag and assuming the British character.

Registry, Miscellaneous.

Registry, Miscellaneous.

Power for commissioners or governor in special cases to grant a pass to a ship not registered.

98. In cases where it appears to the commissioners of customs, or to the governor or other person administering the government of any British possession, that by reason of special circumstances it would be desirable that permission should be granted to any British ship to pass, without being previously registered, from one port or place in her Majesty's dominions to any other port or place within the same, it shall be lawful for such commissioners or governor or other person to grant a pass accordingly, and such pass shall for the time and within the limits therein mentioned have the same effect as a certificate of registry.

National Character.

National Character.

National character of ship to be declared before clearance.

102. No officer of customs shall grant a clearance or transire for any ship until the master of such ship has declared to such officer the name of the nation to which he claims that she belongs, and such officer shall thereupon inscribe such name on the clearance or transire; and if any ship attempts to proceed to sea without such clearance or transire, any such officer may detain her until such declaration is made.

Penalties.

103. The offences herein-after mentioned shall be punishable as follows; (that is to say,)

For unduly assuming a British character.

(1.) If any person uses the British flag and assumes the British national character on board any ship owned in whole or in part by any persons not entitled by law to own British ships, for the purpose of making such ship appear

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National Character.

to be a British ship, such ship shall be forfeited to her Majesty, unless such assumption has been made for the purpose of escaping capture by an enemy or by a foreign ship of war in exercise of some belligerent right; and in any proceeding for enforcing any such forfeiture the burden of proving a title to use the British flag and assume the British national character shall lie upon the person using and assuming the same:

For concealment of British or assumption of foreign character.

(2.) If the master or owner of any British ship does or permits to be done any matter or thing, or carries or permits to be carried any papers or documents, with intent to conceal the British character of such ship from any person entitled by British law to inquire into the same, or to assume a foreign character, or with intent to deceive any such person as lastly herein-before mentioned, such ship shall be forfeited to her Majesty; and the master, if he commits or is privy to the commission of the offence, shall be guilty of a misdemeanor:

For acquiring ownership if unqualified.

(3.) If any unqualified person, except in the case of such transmitted interests as are herein-before mentioned, acquires as owner any interest, either legal or beneficial, in a ship using a British flag and assuming the British character, such interest shall be forfeited to her Majesty:

For false declaration of ownership.

(4.) If any person, on behalf of himself or any other person or body of persons, wilfully makes a false declaration touching the qualification of himself or such other person or body of persons to own British ships or any shares therein, the declarant shall be guilty of a misdemeanor; and the ship or share in respect of which such declaration is made, if the same has not been forfeited under the foregoing provision, shall, to the extent of the interest therein of the person making the declaration, and, unless it is shown that he had no authority to make the same, of the parties on behalf of whom such declaration is made, be forfeited to her Majesty:

And in order that the above provisions as to forfeitures may be carried into effect, it shall be lawful for any commissioned officer on full pay in the military or naval service of her Majesty, or any British officer of customs, or any British consular officer, to seize and detain any ship which has, either wholly or as to any share therein, become subject to forfeiture as aforesaid, and to bring her for adjudication before the High Court of Admiralty in England or Ireland, or any court having Admiralty jurisdiction in her Majesty's dominions; and such court may thereupon make such order in the case as it may think fit, and may award to the officer bringing in the same for adjudication such portion of the proceeds of the sale of any forfeited ship or share as it may think right.

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National Character.

Officer not liable for any seizure made on reasonable grounds.

104. No such officer(1) as aforesaid shall be responsible, either civilly or criminally, to any person whomsoever, in respect of the seizure or detention of any ship that has been seized or detained by him in pursuance of the provisions herein contained, notwithstanding that such ship is not brought in for adjudication, or, if so brought in, is declared not to be liable to forfeiture, if it is shown to the satisfaction of the judge or court before whom any trial relating to such ship or such seizure or detention is held that there were reasonable grounds for such seizure or detention; but if no such grounds are shown, such judge or court may award payment of costs and damages to any party aggrieved, and make such other order in the premises as it thinks just.

Penalty for carrying improper colours.

105. If any colours usually worn by her Majesty's ships, or any colours resembling those of her Majesty, or any distinctive national colours, except the red ensign usually worn by merchant ships, or except the union jack with a white border, or if the pendant usually carried by her Majesty's ships, or any pendant in anywise resembling such pendant, are or is hoisted on board any ship or boat belonging to any subject of her Majesty, without warrant for so doing from her Majesty or from the Admiralty, the master of such ship or boat or the owner thereof, if on board the same, and every other person hoisting or joining or assisting in hoisting the same, shall for every such offence incur a penalty not exceeding five hundred pounds; and it shall be lawful for any officer on full pay in the military or naval service of her Majesty, or any British officer of the customs, or any British consular officer, to board any such ship or boat, and to take away any such jack, colours, or pendant; and such jack, colours, or pendant shall be forfeited to her Majesty.

Effect of declaration in the Act that a ship shall not be recognized as a British ship.

106. Whenever it is declared by this Act that a ship belonging to any person or body corporate qualified according to this Act to be owners of British ships shall not be recognized as a British ship, such ship shall not be entitled to any benefits, privileges, advantages, or protection usually enjoyed by British ships, and shall not be entitled to use the British flag or assume the British national character; but, so far as regards the payment of dues, the liability to pains and penalties, and the punishment of offences committed on board such ship or by any persons belonging to her, such ship shall be dealt with in the same manner in all respects as if she were a recognized British ship.

Evidence.

Evidence.

Copies of registers and declarations to be admissible

107. Every register(2) of or declaration made in pursuance of the second part of this Act in respect of any British ship may be proved in any court of justice, or before any person having by

(1) This section is applied by the Sea Fisheries Act, 1868 (31 & 32 Vict. c. 45.), s. 10., *post*, to a sea fishery officer acting under that Act.

(2) *See* 18 & 19 Vict. c. 91. s. 15., p. 237, *post*.

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Evidence.

in evidence, and to be primâ facie proof of certain things.

law or by consent of parties authority to receive evidence, either by the production of the original or by an examined copy thereof, or by a copy thereof purporting to be certified under the hand of the registrar or other person having the charge of the original; which certified copies he is hereby required to furnish to any person applying at a reasonable time for the same, upon payment of one shilling for each such certified copy; and every such register or copy of a register, and also every certificate of registry of any British ship, purporting to be signed by the registrar or other proper officer, shall be received in evidence in any court of justice or before any person having by law or by consent of parties authority to receive evidence as primâ facie proof of all the matters contained or recited in such register when the register or such copy is produced, and of all the matters contained in or indorsed on such certificate of registry, and purporting to be authenticated by the signature of a registrar, when such certificate is produced.

PART III.

MASTERS AND SEAMEN.

Application.

Application.

Application of Part III. of Act.

109. The various provisions of the third part of this Act shall have the following applications, unless the context or subject matter requires a different application; (that is to say,)

Returns for certain ships belonging to the United Kingdom.

So much of the third part of this Act as relates to the delivery or transmission of lists of crews to the registrar general of seamen shall apply to all fishing vessels belonging to the United Kingdom, whether employed exclusively on the coasts of the United Kingdom or not; to all ships belonging to the Trinity House, or the commissioners of northern lighthouses, constituted as herein-after mentioned, or the port of Dublin corporation, and to all pleasure yachts, and to the owners, masters, and crews of such ships:

Returns and wages of deceased seamen in certain colonial ships.

So much of the third part of this Act as relates to the delivery and transmission of lists of crews, and to the wages and effects of deceased seamen and apprentices,(1) shall apply to all sea-going British ships, wherever registered, of which the crews are discharged, or whose final port of destination is in the United Kingdom, and to the owners, masters, and crews of such ships:

Shipping and discharging men in the United Kingdom.

So much of the third part of this Act as relates to the shipping and discharge of seamen in the United Kingdom

(1) *See* ss. 194–204., p. 184, *post.*

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shall apply to all sea-going British ships, wherever registered, and to the owners, masters, and crews of such ships: *Application.*

So much of the third part(1) of this Act as relates to seamen volunteering into the royal navy shall apply to all sea-going British ships wherever registered, and to the owners, masters, and crews of such ships, wherever the same may be: Volunteering into the navy.

So much of the third part of this Act as relates to rights(2) to wages, and remedies for the recovery thereof; to the shipping and discharge of seamen in foreign ports; (3) to leaving seamen abroad, and to the relief of seamen in distress in foreign ports; (4) to the provisions, health, and accommodation of seamen; (5) to the power of seamen to make complaints; (6) to the protection of seamen from imposition; to discipline; (7) to naval courts (8) on the high seas and abroad; and to crimes committed abroad,(9) shall apply to all ships registered in any of her Majesty's dominions abroad, when such ships are out of the jurisdiction of their respective governments, and to the owners, masters, and crews of such ships: Provisions applicable to colonial ships.

And the whole of the third part of this Act shall apply to all sea-going ships registered in the United Kingdom, (except such as are exclusively employed in fishing on the coasts of the United Kingdom, and such as belong to the Trinity House, the commissioners of northern lighthouses, or the port of Dublin corporation, and also except pleasure yachts,) and also to all ships registered in any British possession, and employed in trading or going between any place in the United Kingdom and any place or places not situate in the possession in which such ships are registered, and to the owners, masters, and crews of such ships respectively, wherever the same may be. As to whole of Part III. of Act.

Engagement of Seamen.(10)

Engagement of Seamen.

[149.](11) The master of every ship, except ships of less than eighty tons registered tonnage exclusively employed in trading between different ports on the coasts of the United Kingdom, shall enter into an agreement with every seaman whom he carries to sea from any port in the United Kingdom as one of his crew in the manner herein-after mentioned; and every such agreement shall be in a form sanctioned by the Board of Trade, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same, and

Agreements to be made with seamen, containing certain particulars.

(1) *See* ss. 214–220., p. 195, *post*.
(2) *See* ss. 181–187., p. 183, *post*.
(3) *See* s. 205., p. 190, *post*.
(4) *See* ss. 205–213., p. 190, *post*.
(5) *See* ss. 221–223., p. 197, *post*, 225. and 226., p. 198, *post*, 228–230., p. 199, *post*.
(6) *See* s. 232., p. 201, *post*.
(7) *See* ss. 242–259., p. 201, *post*.
(8) *See* ss. 260–266., p. 208, *post*.
(9) *See* ss. 267–270., p. 211, *post*.
(10) *See* 36 & 37 Vict. c. 85. s. 11., as to the application to foreign ships of provisions relating to the engagement and discharge of sailors.
(11) Repealed except as to Scotland, so far as applicable to fishing boats, 46 & 47 Vict. c. 41. s. 55.

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Engagement of Seamen.

shall contain the following particulars as terms thereof; (that is to say,)

(1.) The nature, and, as far as practicable, the duration of the intended voyage or engagement:(1)

(2.) The number and description of the crew, specifying how many are engaged as sailors:

(3.) The time at which each seaman is to be on board or to begin work:

(4.) The capacity in which each seaman is to serve:

(5.) The amount of wages which each seaman is to receive:

(6.) A scale of the provisions which are to be furnished to each seaman:

(7.) Any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishments for misconduct, which have been sanctioned by the Board of Trade as regulations proper to be adopted, and which the parties agree to adopt:

And every such agreement shall be so framed as to admit of stipulations, to be adopted at the will of the master and seaman in each case, as to advance and allotment of wages, and may contain any other stipulations which are not contrary to law:

Proviso as to forms for colonial ships.

Provided that if the master of any ship belonging to any British possession has an agreement with his crew made in due form according to the law of the possession to which such ship belongs or in which her crew were engaged, and engages single seamen in the United Kingdom, such seamen may sign the agreement so made, and it shall not be necessary for them to sign an agreement in the form sanctioned by the Board of Trade.]

Remittance of Wages and Savings Banks for Seamen.

Remittance of Wages and Savings Banks for Seamen.

Savings banks for seamen may be established.

[**180.**(2) The commissioners for the reduction of the national debt, or the comptroller general acting under them, may, on the application and recommendation of the Board of Trade, establish savings banks(3) at such ports and places within the United Kingdom, either in the shipping offices established in such ports or elsewhere, as may appear to be expedient, and may appoint treasurers to receive from or on account of seamen, or the wives and families of seamen, desirous to become depositors in such

(1) An agreement under this section may, instead of stating the nature or duration of the intended voyage or engagement, state the maximum period of the voyage or engagement, and the places or parts of the world (if any) to which the voyage or engagement is not to extend, 36 & 37 Vict. c. 85. s. 7., *post*. But conf. Pacific Islanders Protection Act, 1875 (38 & 39 Vict. c. 51.), s. 2., *post*, under which if a native labourer carried in pursuance of a license issued under section 2 is not engaged in like manner as a seaman forming part of the crew of a vessel by an agreement made in accordance with the Merchant Shipping Act, 1854, and the Acts amending the same, the engagement of such labourer must be recorded in such manner and with such particulars as may be from time to time prescribed by order in council.

(2) Rep. as to the United Kingdom, 43 & 44 Vict. c. 16. s. 12.

(3) *See* 18 & 19 Vict. c. 91. s. 17., p. 237, *post*, by which the provisions as to savings banks are extended to the royal navy, and compare the Naval Savings Banks Act, 1866, 29 & 30 Vict. c. 43., *post*.

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savings banks, deposits to an amount not exceeding one hundred and fifty pounds in the whole in respect of any one account, under such regulations as may be prescribed by the said commissioners or comptroller general; and such regulations shall be binding on all such treasurers and depositors; and the said commissioners may remove such treasurers, and appoint others in their place; and all the provisions of the Acts now in force relating to savings banks, except so far as relates to the annual amount of deposit, shall apply to all savings banks which may be established under the authority of this Act, and to such treasurers and depositors as aforesaid.]

Remittance of Wages and Savings Banks for Seamen.

Legal Rights to Wages.

Legal Rights to Wages.

181. A seaman's right to wages and provisions shall be taken to commence either at the time at which he commences work or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens.

Right to wages and provisions, when to begin.

182.(1) No seaman shall by any agreement(2) forfeit his lien upon the ship, or be deprived of any remedy for the recovery of his wages to which he would otherwise have been entitled; and every stipulation in any agreement inconsistent with any provision of this Act, and every stipulation by which any seaman consents to abandon his right to wages in the case of the loss of the ship, or to abandon any right which he may have or obtain in the nature of salvage, shall be wholly inoperative.

Seamen not to give up certain rights.

183. No right to wages shall be dependent on the earning of freight; and every seaman and apprentice who would be entitled to demand and recover any wages if the ship in which he has served had earned freight, shall, subject to all other rules of law and conditions applicable to the case, be entitled to claim and recover the same, notwithstanding that freight has not been earned; but in all cases of wreck or loss of the ship, proof that he has not exerted himself to the utmost to save the ship, cargo, and stores shall bar his claim.

Wages not to be dependent on the earning of freight.

184. If any seaman or apprentice to whom wages are due under the last preceding enactment dies before the same are paid, they shall be paid and applied in the manner herein-after(3) specified with regard to the wages of seamen who die during a voyage.

In case of death, such wages to be paid as after mentioned.

185. In cases where the service of any seaman terminates before the period contemplated in the agreement by reason of the wreck or loss of the ship, and also in cases where such service terminates before such period as aforesaid by reason of his being

Rights to wages in case of termination of service by wreck or illness.

(1) This section does not apply to the case of any stipulation made by the seamen belonging to any ship, which, according to the terms of the agreement, is to be employed on salvage service, with respect to the remuneration to be paid to them for salvage services to be rendered by such ship to any other ship or ships, 25 & 26 Vict. c. 63. s. 18., *post*.

(2) But *see* as to agreements with fishermen, 36 & 37 Vict. c. 85. s. 8.

(3) *See* ss. 194. and 195., pp. 184 and 185, *post*.

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Legal Rights to Wages.

left on shore at any place abroad under a certificate of his unfitness or inability to proceed on the voyage granted as herein-after mentioned, such seaman shall be entitled to wages for the time of service prior to such termination as aforesaid, but not for any further period.

Wages not to accrue during refusal to work or imprisonment.

186. No seaman or apprentice shall be entitled to wages for any period during which he unlawfully refuses or neglects to work when required, whether before or after the time fixed by the agreement for his beginning work, nor, unless the court hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offence committed by him.

Period within which wages are to be paid.

187. The master or owner of every ship shall pay to every seaman his wages within the respective periods following; (that is to say,) in the case of a home trade ship within two days after the termination of the agreement or at the time when such seaman is discharged, whichever first happens; and in the case of all other ships (except ships employed in the southern whale fishery or on other voyages for which seamen by the terms of their agreement are wholly compensated by shares in the profits of the adventure) within three days after the cargo has been delivered, or within five days after the seaman's discharge, whichever first happens; and in all cases the seaman shall at the time of his discharge be entitled to be paid on account a sum equal to one fourth part of the balance due to him; and every master or owner who neglects or refuses to make payment in manner aforesaid, without sufficient cause, shall pay to the seaman a sum not exceeding the amount of two days pay for each of the days, not exceeding ten days, during which payment is delayed beyond the respective periods aforesaid, and such sum shall be recoverable as wages.

Wages and Effects of deceased Seamen.

Wages and Effects of deceased Seamen.

194. Whenever any seaman or apprentice belonging to or sent home in any British ship, whether a foreign-going ship or a home trade ship, employed on a voyage which is to terminate in the United Kingdom, dies during such voyage, the master shall take charge of all money, clothes, and effects which he leaves on board, and shall, if he thinks fit, cause all or any of the said clothes and effects to be sold by auction at the mast or other public auction, and shall thereupon sign an entry in the official log book containing the following particulars; (that is to say,)

Masters to take charge of or sell effects of deceased seamen which are on board, and enter the same and wages due in the official log.

(1.) A statement of the amount of the money and a description of the effects so left by the deceased:

(2.) In case of a sale, a description of each article sold, and the sum received for each:

(3.) A statement of the sum due to the deceased as wages, and the total amount of the deductions (if any) to be made therefrom:

And shall cause such entry to be attested by a mate and by one of the crew.

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Wages and Effects of deceased Seamen.

195. In the cases provided for by the last preceding section, the following rules shall be observed; (that is to say,)

(1.) If the ship proceeds at once to any port in the United Kingdom without touching on the way at any foreign port, the master shall within forty-eight hours after his arrival deliver any such effects as aforesaid remaining unsold, and pay any money which he has taken charge of or received from such sale as aforesaid, and also the balance of wages due to the deceased, to the shipping master at the port of destination in the United Kingdom:

Such effects and wages to be paid either to consul or to shipping master, with full accounts.

(2.) If the ship touches and remains for forty-eight hours at some foreign port or at some port in her Majesty's dominions abroad before coming to any port in the United Kingdom, the master shall report the case to the British consular officer or officer of customs there, as the case may be, and shall give to such officer any information he requires as to the destination of the ship and probable length of the voyage; and such officer may thereupon, if he considers it expedient so to do, require the said effects, money, and wages to be delivered and paid to him, and shall upon such delivery and payment give to the master a receipt, and the master shall within forty-eight hours after his arrival at his port of destination in the United Kingdom produce the same to the shipping master there; and such consular officer or officer of customs shall in such case indorse and certify upon the agreement with the crew such particulars with respect to such delivery and payment as the Board of Trade requires:

(3.) If such officer as aforesaid does not require such payment and delivery to be made to him, the master shall take charge of the said effects, money, and wages, and shall within forty-eight hours after his arrival at his port of destination in the United Kingdom deliver and pay the same to the shipping master there:

(4.) The master shall in all cases in which any seaman or apprentice dies during the progress of a voyage or engagement give to the Board of Trade, or to such officer or shipping master as aforesaid, an account in such form as they respectively require of the effects money, and wages so to be delivered and paid; and no deductions claimed in such account shall be allowed unless verified, if there is any official log book, by such entry therein as herein-before required, and also by such other vouchers (if any) as may be reasonably required by the Board of Trade, or by the officer or shipping master to whom the account is rendered:

(5.) Upon due compliance with such of the provisions of this section as relate to acts to be done at the port of

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Wages and Effects of deceased Seamen.

destination in the United Kingdom, the shipping master shall grant to the master a certificate to that effect, and no officer of customs shall clear inwards any foreign-going ship without the production of such certificate.

Penalties for not taking charge of, remitting, or accounting for such monies and effects.

196. If any master fails to take such charge of the money or other effects of a seaman or apprentice dying during a voyage, or to make such entries in respect thereof, or to procure such attestation to such entries, or to make such payment or delivery of any money, wages, or effects of any seaman or apprentice dying during a voyage, or to give such account in respect thereof as herein-before respectively directed, he shall be accountable for the money, wages, and effects of the seaman or apprentice to the Board of Trade, and shall pay and deliver the same accordingly; and such master shall in addition for every such offence incur a penalty not exceeding treble the value of the money or effects not accounted for, or, if such value is not ascertained, not exceeding fifty pounds; and if any such money, wages, or effects are not duly paid, delivered, or accounted for by the master, the owner of the ship shall pay, deliver, and account for the same, and such money and wages and the value of such effects shall be recoverable from him accordingly; and if he fails to account for and pay the same, he shall, in addition to his liability for the said money and value, incur the same penalty which is herein-before mentioned as incurred by the master for the like offence; and all money, wages, and effects of any seaman or apprentice dying during a voyage shall be recoverable in the same courts and by the same modes of proceeding by which seamen are hereby enabled to recover wages due to them.

Officers of customs and consuls to take charge of effects left by seamen abroad, and to remit the same and their wages to Board of Trade.

197. If any such seaman or apprentice as last aforesaid(1) dies abroad at any place either in or out of her Majesty's dominions leaving any money or effects not on board his ship, the chief officer of customs or the British consular officer at or nearest to the place, as the case may be, shall claim and take charge of such money and effects; and such officer shall, if he thinks fit, sell all or any of such effects, or any effects of any deceased seaman or apprentice delivered to him under the provisions herein-before contained; and every such officer shall, quarterly or at such other times as the Board of Trade directs, remit to her Majesty's paymaster general all monies belonging to or arising from the sale of the effects of or paid as the wages of any deceased seamen or apprentices which have come to his hands under the provisions herein-before contained, and shall render such accounts in respect thereof as the Board of Trade requires.

Wages and effects of seamen dying at home to be paid in certain cases to Board of Trade.

198. Whenever any seaman or apprentice dies in the United Kingdom, and is at the time of his death entitled to claim from

(1) This section is to be construed as if there were here inserted the words, "or if "any seaman or apprentice who has within the six months immediately preceding "his death belonged to a British ship," 25 & 26 Vict. c. 63. s. 20., *post*.

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the master or owner of any ship in which he has served any unpaid wages or effects, such master or owner shall pay and deliver or account for the same to the shipping master at the port where the seaman or apprentice was discharged or was to have been discharged, or to the Board of Trade, or as it directs.

Wages and Effects of deceased Seamen.

199. If the money and effects of any deceased seaman or apprentice paid, delivered, or remitted to the Board of Trade or its agents, including the monies received for any part of the said effects which have been sold either before delivery to the Board of Trade or by its direction, do not exceed in value the sum of fifty pounds, then, subject to the provisions herein-after contained, and to all such deductions for expenses incurred in respect of the seaman or apprentice or of his said money and effects as the said board thinks proper to allow, the said board may, if it thinks fit so to do, pay and deliver the said money and effects either to any claimants who can prove themselves to the satisfaction of the said board either to be his widow or children, or to be entitled to the effects of the deceased under his will (if any), or under the statutes for the distribution of the effects of intestates, or under any other statute, or at common law, or to be entitled to procure probate or take out letters of administration or confirmation, although no probate or letters of administration or confirmation have been taken out, and shall be thereby discharged from all further liability in respect of the money and effects so paid and delivered, or may, if it thinks fit so to do, require probate or letters of administration or confirmation to be taken out, and thereupon pay and deliver the said money and effects to the legal personal representatives of the deceased; and all claimants to whom such money or effects are so paid or delivered shall apply the same in due course of administration; and if such money and effects exceed in value the sum of fifty pounds, then, subject to the provisions herein-after contained and to deduction for expenses, the Board of Trade shall pay and deliver the same to the legal personal representatives of the deceased.

If less than 50*l.* wages and property of deceased seaman may be paid over without probate or administration to the persons entitled.

200. In cases where the deceased seaman or apprentice has left a will, the Board of Trade shall have the following powers; (that is to say,)

Mode of payment under wills made by seamen.

(1.) It may in its discretion refuse to pay or deliver any such wages or effects as aforesaid to any person claiming to be entitled thereto under a will made on board ship unless such will is in writing, and is signed or acknowledged by the testator in the presence of the master or first or only mate of the ship, and is attested by such master or mate:

(2.) It may in its discretion refuse to pay or deliver any such wages or effects as aforesaid to any person not being related to the testator by blood or marriage who claims to be entitled thereto under a will made elsewhere than on board ship, unless such will is in writing, and is

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Wages and Effects of deceased Seamen.

signed or acknowledged by the testator in the presence of two witnesses, one of whom is some shipping master appointed under this Act, or some minister or officiating minister or curate of the place in which the same is made, or, in a place where there are no such persons, some justice of the peace, or some British consular officer, or some officer of customs, and is attested by such witnesses:

Whenever any claim made under a will is rejected by the Board of Trade on account of the said will not being made and attested as herein-before required, the wages and effects of the deceased shall be dealt with as if no will had been made.

Provision for payment of just claims by creditors and for preventing fraudulent claims.

201. The following rules shall be observed with respect to creditors of deceased seamen and apprentices; (that is to say,)

(1.) No such creditor shall be entitled to claim from the Board of Trade the wages or effects of any such seaman or apprentice or any part thereof by virtue of letters of administration taken out by him, or by virtue of confirmation in Scotland as executor creditor:

(2.) No such creditor shall be entitled by any means whatever to payment of his debt out of such wages and effects, if the debt accrued more than three years before the death of the deceased, or if the demand is not made within two years after such death:

(3.) Subject as aforesaid, the steps to be taken for procuring payment of such debt shall be as follows (that is to say): Every person making a demand as creditor shall deliver to the Board of Trade an account in writing in such form as it requires, subscribed with his name, stating the particulars of his demand and the place of his abode, and verified by his declaration made before a justice:

(4.) If before such demand is made any claim to the wages and effects of the deceased made by any person interested therein as his widow or child, or under a will or under the statutes for the distribution of the effects of intestates, or under any other statute, or at common law, has been allowed, the Board of Trade shall give notice to the creditor of the allowance of such person's claim, and the creditor shall thereupon have the same rights and remedies against such person as if he or she had received the said wages and effects as the legal personal representative of the deceased:

(5.) If no claim by any such person has been allowed, the Board of Trade shall proceed to investigate the creditor's account, and may for that purpose require him to prove the same, and to produce all books, accounts, vouchers, and papers relating thereto; and if by such means the creditor duly satisfies the Board of Trade of the justice of the demand, either in the whole or in

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part, the same shall be allowed and paid accordingly, so far as the assets in the hands of the Board of Trade will extend for that purpose, and such payment shall discharge the Board of Trade from all further liability in respect of the money so paid; but if such board is not so satisfied, or if such books, accounts, vouchers, or papers as aforesaid are not produced, and no sufficient reason is assigned for not producing them, the demand shall be disallowed: *Wages and Effects of deceased Seamen.*

(6.) In any case whatever the Board of Trade may delay the investigation of any demand made by a creditor for the payment of his debt for one year from the time of the first delivery of the demand; and if in the course of that time a claim to the wages and effects of the deceased is made and substantiated as herein-before required by any person interested therein as a widow or child, or under a will, or under the statutes for the distribution of the effects of intestates, or under any other statute, or at common law, the Board of Trade may pay and deliver the same to such person; and thereupon the creditor shall have the same rights and remedies against such person as if he or she had received the same as the legal personal representative of the deceased.

Mode of dealing with unclaimed wages of deceased seamen.

202. In cases of wages or effects of deceased seamen or apprentices received by the Board of Trade to which no claim is substantiated within six years after the receipt thereof by such board, it shall be in the absolute discretion of such board, if any subsequent claim is made, either to allow or to refuse the same;

* * * * * * *

Punishment for forgery and false representations in order to obtain wages, &c. of deceased seamen.

203. Every person who, for the purpose of obtaining, either for himself or for another, any money or effects of any deceased seaman or apprentice, forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any document purporting to show or assist in showing a right to such wages or effects, and every person who for the purpose aforesaid makes use of any such forged or altered document as aforesaid, or who for the purpose aforesaid gives or makes, or procures to be given or made, or assists in giving or making or procuring to be given or made, any false evidence or representation, knowing the same to be false, shall be punishable with penal servitude for a term not exceeding four years, or with imprisonment with or without hard labour for any period not exceeding two years, or if summarily prosecuted and convicted, by imprisonment, with or without hard labour, for any period not exceeding six months.

Effects of seamen discharged from navy to be disposed of

204. In the case of seamen invalided or discharged from any of her Majesty's ships, and sent home in merchant ships, any monies or effects belonging to them which are paid, remitted,

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by accountant general of navy.

or delivered to the Board of Trade, or its agents, under the provisions herein-before contained, shall be paid over and disposed of in such manner as the accountant general of her Majesty's navy directs.

Leaving Seamen abroad.

Leaving Seamen abroad.

On discharge of seamen abroad, by sale of ship or otherwise, certificates of discharge to be given, and seamen to be sent home at expense of owner.

205. Whenever any British ship is transferred or disposed of at any place out of her Majesty's dominions, and any seaman or apprentice belonging thereto does not in the presence of some British consular officer, or, if there is no such consular officer there, in the presence of one or more respectable British merchants residing at the place, and not interested in the said ship, signify his consent in writing to complete the voyage if continued, and whenever the service of any seaman or apprentice belonging to any British ship terminates at any place out of her Majesty's dominions, the master shall give to each such seaman or apprentice a certificate of discharge in the form sanctioned by the Board of Trade as aforesaid, and in the case of any certificated mate whose certificate he has retained shall return such certificate to him, and shall also, besides paying the wages to which such seaman or apprentice is entitled, either provide him with adequate employment on board some other British ship bound to the port in her Majesty's dominions at which he was originally shipped, or to such other port in the United Kingdom as is agreed upon by him, or furnish the means of sending him back to such port, or provide him with a passage home, or deposit with such consular officer or such merchant or merchants as aforesaid such a sum of money as is by such officer or merchants deemed sufficient to defray the expenses of his subsistence and passage home; and such consular officer or merchants shall indorse upon the agreement of the ship which the seaman or apprentice is leaving the particulars of such payment, provision, or deposit; and if the master refuses or neglects to comply with the requirements of this section, such expenses as last aforesaid, if defrayed by such consular officer or by any other person, shall, unless such seaman or apprentice has been guilty of barratry, be a charge upon the ship to which such seaman or apprentice belonged and upon the owner for the time being thereof, and may be recovered against such owners, with costs, at the suit of the consular officer or other person defraying such expenses, or, in case the same has been allowed to the consular officer out of the public monies, as a debt due to her Majesty, either by ordinary process of law, or in the manner in which seamen are hereby enabled to recover wages; and such expenses, if defrayed by the seaman or apprentice, shall be recoverable as wages due to him.

Forcing seamen on shore a misdemeanor.

206. If the master or any other person belonging to any British ship wrongfully forces on shore and leaves behind, or otherwise wilfully and wrongfully leaves behind, in any place, on shore or at sea, in or out of her Majesty's dominions, any

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seaman or apprentice belonging to such ship before the completion of the voyage for which such person was engaged or the return of the ship to the United Kingdom, he shall for each such offence be deemed guilty of a misdemeanor. *Leaving Seamen abroad.*

207. If the master of any British ship does any of the following things; (that is to say,) No seaman to be discharged or left abroad without certificate of some functionary.

(1.) Discharge any seaman or apprentice in any place situate in any British possession abroad (except the possession in which he was shipped), without previously obtaining the sanction in writing indorsed on the agreement of some public shipping master or other officer duly appointed by the local government in that behalf, or (in the absence of any such functionary) of the chief officer of customs resident at or near the place where the discharge takes place;

(2.) Discharges any seaman or apprentice at any place out of her Majesty's dominions without previously obtaining the sanction so indorsed as aforesaid of the British consular officer there, or (in his absence) of two respectable merchants resident there;

(3.) Leaves behind any seaman or apprentice at any place situate in any British possession abroad on any ground whatever, without previously obtaining a certificate in writing so indorsed as aforesaid from such officer or person as aforesaid, stating the fact and the cause thereof, whether such cause be unfitness or inability to proceed to sea, or desertion or disappearance;

(4.) Leaves behind any seaman or apprentice at any place out of her Majesty's dominions, on shore or at sea, on any ground whatever, without previously obtaining the certificate indorsed in manner and to the effect last aforesaid of the British consular officer there, or (in his absence) of two respectable merchants, if there is any such at or near the place where the ship then is:

He shall for each such default be deemed guilty of a misdemeanor; and the said functionaries shall and the said merchants may examine into the grounds of such proposed discharge, or into the allegation of such unfitness, inability, desertion, or disappearance as aforesaid, in a summary way, and may for that purpose, if they think fit so to do, administer oaths, and may either grant or refuse such sanction or certificate as appears to them to be just.

208. Upon the trial of any information, indictment, or other proceeding against any person for discharging or leaving behind any seaman or apprentice, contrary to the provisions of this Act, it shall lie upon such person either to produce the sanction or certificate hereby required, or to prove that he had obtained the same previously to having discharged or left behind such seaman or apprentice, or that it was impracticable for him to obtain such sanction or certificate. Proof of certificate to be upon the master.

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Leaving Seamen abroad.

Wages to be paid when seamen are left behind on ground of inability.

209. Every master of any British ship who leaves any seaman or apprentice on shore at any place abroad in or out of her Majesty's dominions, under a certificate of his unfitness or inability to proceed on the voyage, shall deliver to one of the functionaries aforesaid, or (in the absence of such functionaries) to the merchants by whom such certificate is signed, or, if there be but one respectable merchant resident at such place, to him, a full and true account of the wages due to such seaman or apprentice, such account when delivered to a consular officer to be in duplicate, and shall pay the same(1) either in money or by a bill drawn upon the owner; and in the case of every bill so drawn, such functionary, merchants or merchant as aforesaid, shall by indorsement certify thereon that the same is drawn for money due on account of a seaman's wages, and shall also indorse the amount for which such bill is drawn, with such further particulars in respect of the case as the Board of Trade requires, upon the agreement of the ship; and every such master as aforesaid who refuses or neglects to deliver a full account of such wages, and pay the amount thereof in money or by bill, as herein-before required, shall for every such offence or default be liable, in addition to the payment of the wages, to a penalty not exceeding ten pounds; and every such master who delivers a false account of such wages shall for every such offence, in addition to the payment of the wages, incur a penalty not exceeding twenty pounds.

Such wages to be treated as money due to the seamen, subject to payment of expense of their subsistence and passage home.

210. Every such payment as last aforesaid, whether by bill or in money, shall, if made in any British possession, be made to the seaman or apprentice himself, and, if made out of her Majesty's dominions, to the consular officer, who shall, if satisfied with the account, indorse on one of the duplicates thereof a receipt for the amount paid or bill delivered, and shall return the same to the master; and the master shall, within forty-eight hours after his return to his port of destination in the United Kingdom, deliver the same to the shipping master there; and the consular officer shall retain the other duplicate of the said account, and shall, if the seaman or apprentice subsequently obtains employment at or otherwise quits the port, deduct out of the sum received by him as aforesaid any expenses which have been incurred by him in respect of the subsistence of the seaman or apprentice under the provisions herein contained, except such as the master or owner of the ship is hereby required to pay, and shall pay the remainder to the seaman or apprentice, and shall also deliver to him an account of the sums so received and expended on his behalf; and shall, if the seaman or apprentice dies before his ship quits the port, deal with the same in the manner herein-after specified in that behalf, and shall, if the seaman or apprentice is sent home at the public expense under the provisions herein contained, account for the amount received

(1) As to the mode of payment *see* 25 & 26 Vict. c. 63. s. 19., *post*.

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to the Board of Trade; and such amount shall, after deducting any expenses which have been duly incurred in respect of such seaman or apprentice, except such as the master or owner of the ship is hereby required to pay, be dealt with as wages to which he is entitled, and shall be paid accordingly.

Leaving Seamen abroad.

211. The governors, consular officers, and other officers of her Majesty in foreign countries shall, and in places where there are no such governors or officers any two resident British merchants may, provide for the subsistence of all seamen or apprentices, being subjects of her Majesty, who have been shipwrecked, discharged, or left behind at any place abroad, whether from any ship employed in the merchant service or from any of her Majesty's ships, or who have been engaged by any person acting either as principal or agent to serve in any ship belonging to any foreign power or to the subject of any foreign state, and who are in distress in any place abroad, until such time as they are able to provide them with a passage home, and for that purpose shall cause such seamen or apprentices to be put on board some ship belonging to any subject of her Majesty bound to any port of the United Kingdom, or to the British possessions to which they belong, (as the case requires,) which is in want of men to make up its complement, and in default of any such ship shall provide them with a passage home as soon as possible in some ship belonging to a subject of her Majesty so bound as aforesaid, and shall indorse on the agreement of any ship on board of which any seaman or apprentice is so taken or sent the name of every person so sent on board thereof, with such particulars concerning the case as the Board of Trade requires, and shall be allowed for the subsistence of any such seaman or apprentice such sum per diem as the Board of Trade from time to time appoints; and the amount due in respect of such allowance shall be paid * * * * on the production of the bills of the disbursements, with the proper vouchers.

Distressed seamen found abroad may be relieved and sent home at the public expense.

212. The master of every British ship so bound as aforesaid shall receive and afford a passage and subsistence to all seamen or apprentices whom he is required to take on board his ship under the provisions herein-before contained, not exceeding one for every fifty tons burden, and shall during the passage provide every such seaman or apprentice with a proper berth or sleeping place effectually protected against sea and weather; and on the production of a certificate signed by any governor, consular officer, or merchants by whose directions any such seaman or apprentice was received on board, specifying the number and names of such seamen or apprentices, and the time when each of them respectively was received on board, and on a declaration made by such person before a justice, and verified by the registrar general of seamen, stating the number of days during which each seaman or apprentice received subsistence and was provided for

Masters of British ships compelled to take them.

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Leaving Seamen abroad.

as aforesaid on board his ship, and stating also the number of men and boys forming the complement of his crew, and the number of seamen and apprentices employed on board his ship during such time, and every variation (if any) of such number, such person shall be entitled to be paid out of the said monies applicable to the relief of distressed British seamen, in respect of the subsistence and passage of every seaman or apprentice so conveyed, subsisted and provided for by him exceeding the number (if any) wanted to make up the complement of his crew, such sum per diem as the Board of Trade from time to time appoints; and if any person having charge of any such ship fails or refuses to receive on board his ship, or to give a passage home, or subsistence to, or to provide for any such seaman or apprentice as aforesaid, contrary to the provisions of this Act, he shall incur a penalty not exceeding one hundred pounds for each seaman or apprentice with respect to whom he makes such default or refusal.

Power to sue for the amount advanced for the relief of seamen left abroad.

213. If any seaman or apprentice belonging to any British ship is discharged or left behind at any place out of the United Kingdom without full compliance on the part of the master with all the provisions in that behalf in this Act contained, and becomes distressed and is relieved under the provisions of this Act, or if any subject of her Majesty, after having been engaged by any person (whether acting as principal or agent) to serve in any ship belonging to any foreign power, or to the subject of any foreign power, becomes distressed and is relieved as aforesaid, the wages (if any) due to such seaman or apprentice, and all expenses incurred for his subsistence, necessary clothing, conveyance home, and burial, in case he should die abroad before reaching home, shall be a charge upon the ship, whether British or foreign, to which he so belonged as aforesaid; and the Board of Trade may in the name of her Majesty (besides suing for any penalties which may have been incurred) sue for and recover the said wages and expenses, with costs, either from the master of such ship as aforesaid, or from the person who is owner thereof for the time being, or, in the case of such engagement as aforesaid for service in a foreign ship, from such master or owner, or from the person by whom such engagement was so made as aforesaid; and such sums shall be recoverable either in the same manner as other debts due to her Majesty, or in the same manner and by the same form and process in which wages due to the seaman would be recoverable by him; and in any proceedings for that purpose production of the account (if any) to be furnished as herein-before is provided in such cases, together with proof of payment by the Board of Trade or by the paymaster general of the charges incurred on account of any such seaman, apprentice, or other person, shall be sufficient evidence that he was relieved, conveyed home, or buried (as the case may be) at her Majesty's expense.

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Volunteering into the Navy.

Volunteering into the Navy.

Seamen allowed to leave their ships in order to enter the navy.

214. Any seaman may leave his ship for the purpose of forthwith entering into the naval service of her Majesty, and such leaving his ship shall not be deemed a desertion therefrom, and shall not render him liable to any punishment or forfeiture whatever; and all stipulations introduced into any agreement whereby any seaman is declared to incur any forfeiture or be exposed to any loss in case he enters into her Majesty's naval service shall be void, and every master or owner who causes any such stipulations to be so introduced shall incur a penalty not exceeding twenty pounds.

Clothes to be delivered at once.

Wages to be given to the Queen's officer on account of the seamen.

215. Whenever any seaman, without having previously committed any act amounting to and treated by the master as desertion, leaves his ship in order to enter into the naval service of her Majesty and is received into such service, the master shall deliver to him his clothes and effects on board such ship, and shall pay the proportionate amount of his wages down to the time of such entry, subject to all just deductions, as follows; (that is to say,) the master of the said ship shall pay the same to the officer authorized to receive such seaman into her Majesty's service, either in money or by bill drawn upon the owner and payable at sight to the order of the accountant general of the navy; and the receipt of such officer shall be a discharge for the money or bill so given; and such bill shall be exempt from stamp duty; and if such wages are paid in money, such money shall be credited in the muster book of the ship to the account of the said seaman; and if such wages are paid by bill, such bill shall be noted in the said muster book and shall be sent to the said accountant general, who shall present the same or cause the same to be presented for payment, and shall credit the produce thereof to the account of the said seaman; and such money or produce (as the case may be) shall not be paid to the said seaman until the time at which he would have been entitled to receive the same if he had remained in the service of the ship which he had so quitted as aforesaid; and if any such bill is not duly paid when presented, the said accountant general or the seaman on whose behalf the same is given may sue thereon or may recover the wages due by all or any of the means by which wages due to merchant seamen are recoverable; and if upon any seaman leaving his ship in the manner and for the purpose aforesaid, the master fails to deliver his clothes and effects, or to pay his wages as herein-before required, he shall, in addition to his liability to pay and deliver the same, incur a penalty not exceeding twenty pounds; provided that no officer who receives any such bill as aforesaid shall be subject to any liability in respect thereof, except for the safe custody thereof until sent to the said accountant general as aforesaid.

Repayment to owner of advance paid and not duly earned.

216. If upon any seaman leaving his ship for the purpose of entering the naval service of her Majesty, the owner or master of such ship shows to the satisfaction of the Admiralty that he

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Volunteering into the Navy.

has paid or properly rendered himself liable to pay an advance of wages to or on account of such seaman, and that such seaman has not at the time of quitting his ship duly earned such advance by service therein, and, in the case of such liability as aforesaid, if such owner or master actually satisfies the same, it shall be lawful for the Admiralty to pay to such owner or master so much of such advance as has not been duly earned, and to deduct the sum so paid from the wages of the seaman earned or to be earned in the naval service of her Majesty.

If new seamen are engaged instead of the original seamen, the owner may apply for repayment of any extra expense he has been put to.

217. If, in consequence of any seaman so leaving his ship without the consent of the master or owner thereof, it becomes necessary for the safety and proper navigation of the said ship to engage a substitute or substitutes, and if the wages or other remuneration paid to such substitute or substitutes for subsequent service exceed the wages or remuneration which would have been payable to the said seaman under his agreement for similar service, the master or owner of the said ship may apply to the registrar of the High Court of Admiralty in England for a certificate authorizing the repayment of such excess; and such application shall be in such form, and shall be accompanied by such documents, and by such statements, whether on oath or otherwise, as the judge of the said court from time to time directs.

Application how to be decided on, and amount of repayment how to be ascertained.

218. The said registrar shall, upon receiving any such application as aforesaid, give notice thereof in writing, and of the sum claimed, to the Secretary of the Admiralty, and shall proceed to examine the said application, and may call upon the registrar general of seamen to produce any papers in his possession relating thereto, and may call for further evidence; and if the whole of the claim appears to him to be just, he shall give a certificate accordingly; but if he considers that such claim or any part thereof is not just, he shall give notice of such his opinion in writing under his hand to the person making the said application or his attorney or agent; and if within sixteen days from the giving of such notice such person does not leave or cause to be left at the office of the registrar of the said court a written notice demanding that the said application shall be referred to the judge of the said court, then the said registrar shall finally decide thereon, and certify accordingly; but if such notice is left as aforesaid, then the said application shall stand referred to the said judge in his chambers, and his decision thereon shall be final, and the said registrar shall certify the same accordingly; and the said registrar and judge respectively shall in every proceeding under this Act have full power to administer oaths and to exercise all the ordinary powers of the court, as in any other proceeding within its jurisdiction; and the said registrar or judge (as the case may be) may, if he thinks fit, allow for the costs of any proceeding under this Act any sum not exceeding five pounds for each seaman so quitting his ship as aforesaid; and such sum shall be added to the sum allowed, and shall be certified by the said registrar accordingly.

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Volunteering into the Navy.

Accountant general to pay sums when ascertained.

219. Every certificate so given shall be sent by post or otherwise to the person making the application, his attorney or agent, and a copy thereof shall be sent to the accountant general of the navy; and such accountant general shall, upon delivery to him of the said original certificate, together with a receipt in writing purporting to be a receipt from the master or owner making the application, pay to the person delivering the same out of the monies applicable to the naval service of her Majesty, and granted by Parliament for the purpose, the amount mentioned in such certificate; and such certificate and receipt shall absolutely discharge the said accountant general and her Majesty from all liability in respect of the monies so paid or of the said application.

Penalty for forgery and false representations in support of such applications.

220. Every person who, in making or supporting any such application as aforesaid to the registrar of the High Court of Admiralty, forges, assists in forging, or procures to be forged, or fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any document, and every person who in making or supporting any such application presents or make use of any such forged or altered document, or who in making or supporting any such application makes or gives, or assists in making or giving, or procures to be made or given, any false evidence or representation, knowing the same to be false, shall be deemed guilty of a misdemeanor.

Provisions, Health, and Accommodation.

Provisions, Health, and Accommodation.

Survey of provisions and water on complaint made.

221. Any three or more of the crew of any British ship may complain to any officer in command of any of her Majesty's ships, or any British consular officer, or any shipping master, or any chief officer of customs, that the provisions or water for the use of the crew are at any time of bad quality, unfit for use, or deficient in quantity; and such officer may thereupon examine the said provisions or water, or cause them to be examined; and if on examination such provisions or water are found to be of bad quality and unfit for use, or to be deficient in quantity, the person making such examination shall signify the same in writing to the master of the ship; and if such master does not thereupon provide other proper provisions or water in lieu of any so signified to be of a bad quality and unfit for use, or does not procure the requisite quantity of any so signified to be insufficient in quantity, or uses any provisions or water which have been so signified as aforesaid to be of bad quality and unfit for use, he shall in every such case incur a penalty not exceeding twenty pounds; and upon every such examination as aforesaid the officers making or directing the same shall enter a statement of the result of the examination in the official log, and shall send a report thereof to the Board of Trade, and such report, if produced out of the custody of such board or its officers, shall be received in evidence in any legal proceeding.

Forfeiture for frivolous complaint.

222. If the officer to whom any such complaint as last aforesaid is made, certifies in such statement as aforesaid that there

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Provisions, Health, and Accommodation.

was no reasonable ground for such complaint, each of the parties so complaining shall be liable to forfeit to the owner out of his wages a sum not exceeding one week's wages.

Allowance for short or bad provisions.

223. In the following cases; (that is to say,)

(1.) If during a voyage the allowance of any of the provisions which any seaman has by this agreement stipulated for is reduced (except in accordance with any regulations for reduction by way of punishment contained in the agreement, and also except for any time during which such seaman wilfully and without sufficient cause refuses or neglects to perform his duty, or is lawfully under confinement for misconduct, either on board or on shore);

(2.) If it is shown that any of such provisions are or have during the voyage been bad in quality and unfit for use;

The seaman shall receive by way of compensation for such reduction or bad quality, according to the time of its continuance, the following sums, to be paid to him in addition to and to be recoverable as wages; (that is to say,)

(1.) If his allowance is reduced by any quantity not exceeding one third of the quantity specified in the agreement, a sum not exceeding fourpence a day;

(2.) If his allowance is reduced by more than one third of such quantity, eightpence a day;

(3.) In respect of such bad quality as aforesaid, a sum not exceeding one shilling a day:

But if it is shown to the satisfaction of the court before which the case is tried that any provisions the allowance of which has been reduced could not be procured or supplied in proper quantities, and that proper and equivalent substitutes were supplied in lieu thereof, the court shall take such circumstances into consideration, and shall modify or refuse compensation as the justice of the case may require.

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Masters to keep weights and measures on board.

225. Every master shall keep on board proper weights and measures for the purpose of determining the quantities of the several provisions and articles served out, and shall allow the same to be used at the time of serving out such provisions and articles in the presence of a witness whenever any dispute arises about such quantities, and in default shall for every offence incur a penalty not exceeding ten pounds.

Board of Trade and local boards may appoint inspectors of medicines, who are to see that ships are properly provided.

226. Any local marine board may, upon being required by the Board of Trade so to do, appoint and remove a medical inspector of ships for the port, and may fix his remuneration, such remuneration to be subject to the control of the Board of Trade, and at ports where there are no local marine boards the Board of Trade may appoint and remove such inspectors, and fix their remuneration; and it shall be the duty of such in-

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spectors to inspect the medicines, medical stores, lime or lemon juice, or other articles, sugar and vinegar, required to be kept on board any such ships as aforesaid; and such inspection, if made at places where there are local marine boards, shall be made under their direction, and also in any special cases under the direction of the Board of Trade, and if made at places where there are no local marine boards, shall be made under the direction of the Board of Trade; and such medical inspectors shall for the purposes of such inspection have the same powers as the inspectors appointed by the Board of Trade under the first part of this Act; but every such inspector, if required by timely notice in writing from the master, owner, or consignee, shall make his inspection three days at least before the ship proceeds to sea, and if the result of the inspection is satisfactory shall not again make inspection before the commencement of the voyage, unless he has reason to suspect that some of the articles inspected have been subsequently removed, injured, or destroyed; and whenever any such medical inspector is of opinion that in any ship hereby required to carry such articles as aforesaid the same or any of them are deficient in quantity or quality, or are placed in improper vessels, he shall signify the same in writing to the chief officer of customs of the port where such ship is lying, and also to the master, owner, or consignee thereof, and thereupon the master of such ship, before proceeding to sea, shall produce to such chief officer of customs a certificate under the hand of such medical inspector or of some other medical inspector, to the effect that such deficiency has been supplied or remedied, or that such improper vessels have been replaced by proper vessels, as the case may require, and such chief officer of customs shall not grant a clearance for such ship without the production of such certificate, and if such ship attempts to go to sea without a clearance, may detain her until such certificate is produced; and if such ship proceeds to sea without the production of such certificate, the owner, master, or consignee thereof shall incur a penalty not exceeding twenty pounds.

Provisions, Health, and Accommodation.

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228. The following rules shall be observed with respect to expenses attendant on illness and death; (that is to say,)

(1.) If the master or any seaman or apprentice receives any hurt or injury in the service of the ship to which he belongs, the expense of providing the necessary surgical and medical advice, with attendance and medicines, and of his subsistence until he is cured, or dies, or is brought back to some port in the United Kingdom, if shipped in the United Kingdom, or if shipped in some British possession to some port in such possession, and of his conveyance to such port, and the expense (if any) of his burial, shall be defrayed by the owner of such ship, without any deduction on that account from the wages of such master, seaman, or apprentice:

Expense of medical attendance and subsistence in case of illness, and of burial in case of death, how to be defrayed.

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Provisions, Health, and Accommodation.

(2.) If the master or any seaman or apprentice is on account of any illness temporarily removed from his ship for the purpose of preventing infection, or otherwise for the convenience of the ship, and subsequently returns to his duty, the expense of such removal and of providing the necessary advice with attendance and medicines and of his subsistence whilst away from the ship, shall be defrayed in like manner:

(3.) The expense of all medicines and surgical or medical advice and attendance given to any master, seaman, or apprentice whilst on board his ship shall be defrayed in like manner:

(4.) In all other cases any reasonable expenses duly incurred by the owner for any seaman in respect of illness, and also any reasonable expenses duly incurred by the owner in respect of the burial of any seaman or apprentice who dies whilst on service, shall, if duly proved, be deducted from the wages of such seaman or apprentice.

Expenses, if paid by consul, to be recoverable from owner.

229. If any such expenses in respect of the illness, injury, or hurt of any seaman or apprentice, as are to be borne by the owner, are paid by any consular officer or other person on behalf of her Majesty, or if any other expenses in respect of the illness, injury, or hurt of any seaman or apprentice whose wages are not accounted for to such officer under the provisions hereinbefore contained in that behalf are so paid, such expenses shall be repaid to such officer or other person by the master of the ship, and if not so repaid, the amount thereof, with costs, shall be a charge upon the ship, and be recoverable from the said master or from the owner of the ship for the time being as a debt due to her Majesty, and shall be recoverable either by ordinary process of law or in the manner in which seamen are hereby enabled to recover wages; and in any proceeding for the recovery thereof the production of a certificate of the facts, signed by such officer or other person, together with such vouchers (if any) as the case requires, shall be sufficient proof that the said expenses were duly paid by such consular officer or other person as aforesaid.

Certain ships to carry medical practitioners.

230. Every foreign-going ship having one hundred persons or upwards on board shall carry on board as part of her complement some person duly authorized by law to practise as physician, surgeon, or apothecary; and in default the owner shall for every voyage of any such ship made without such medical practitioner incur a penalty not exceeding one hundred pounds: Provided that nothing herein contained shall in anywise affect any provision contained in the "Passengers Act, 1852," concerning the carriage of medical practitioners by the class of ships therein named passenger ships, nor shall any such passenger ship, if not thereby required to carry a medical practitioner, be hereby required to do so.

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Power of making Complaint.

Power of making Complaint.

Seamen to be allowed to go ashore to make complaint to a justice.

232. If any seaman or apprentice whilst on board any ship states to the master that he desires to make complaint to a justice of the peace, or consular officer, or naval officer in command of any of her Majesty's ships, against the master or any of the crew, the said master shall, if the ship is then at a place where there is a justice or any such officer as aforesaid, so soon as the service of the ship will permit, and if the ship is not then at such a place, so soon after her first arrival at such a place as the service of the ship will permit, allow such seaman or apprentice to go ashore or send him ashore in proper custody so that he may be enabled to make such complaint, and shall, in default, incur a penalty not exceeding ten pounds.

Discipline.

Discipline.

Board of Trade may cancel or suspend certificates in certain cases.

242. The Board of Trade may suspend or cancel(1) the certificate (whether of competency or service) of any master or mate in the following cases; (that is to say,)

(1.) If upon any investigation made in pursuance of the last preceding section, he is reported to be incompetent, or to have been guilty of any gross act of misconduct, drunkenness, or tyranny:

(2.) If upon any investigation conducted under the provisions contained in the eighth part of this Act, or upon any investigation made by a naval court constituted as herein-after mentioned, it is reported that the loss or abandonment of or serious damage to any ship or loss of life has been caused by his wrongful act or default:

(3.) If he is superseded by the order of any Admiralty court or of any naval court constituted as herein-after mentioned:

(4.) If he is shown to have been convicted of any offence:

(5.) If upon any investigation made by any court or tribunal authorized or hereafter to be authorized by the legislative authority in any British possession to make inquiry into charges of incompetency or misconduct on the part of masters or mates of ships, or as to shipwrecks or other casualties affecting ships, a report is made by such court or tribunal to the effect that he has been guilty of any gross act of misconduct, drunkenness, or tyranny, or that the loss or abandonment of or serious damage to any ship or loss of life has been caused by his wrongful act or default, * * * * * *

And every master or mate whose certificate is cancelled or suspended shall deliver it to the Board of Trade or as it directs, and

(1) For further provisions by which the power of suspending or cancelling certificates is vested in the local marine board or other court by which the case is investigated, and for provisions with reference to such suspension or cancellation, *see* 25 & 26 Vict. c. 63. s. 23., *post*. The powers given to the Board of Trade under this section are extended to naval courts under 25 & 26 Vict. c. 63. s. 23., *post*.

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in default shall for each offence incur a penalty not exceeding fifty pounds; and the Board of Trade may at any subsequent time grant to any person whose certificate has been cancelled a new certificate of the same or of any lower grade.

Offences of seamen and apprentices and their punishments.

[**243.**(1) Whenever any seaman who has been lawfully engaged or any apprentice to the sea service commits any of the following offences he shall be liable to be punished summarily as follows; (that is to say,)

Desertion:

(1.) For desertion he shall be liable [to imprisonment for any period not exceeding twelve weeks, with or without hard labour, and also(2)] to forfeit all or any part of the clothes and effects he leaves on board, and all or any part of the wages or emoluments which he has then earned, and also, if such desertion takes place abroad, at the discretion of the court, to forfeit all or any part of the wages or emoluments he may earn in any other ship in which he may be employed until his next return to the United Kingdom, and to satisfy any excess of wages paid by the master or owner of the ship from which he deserts to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him:

Neglecting or refusing to join, or to proceed to sea, absence within 24 hours before sailing, and absence without leave:

(2.) For neglecting or refusing, without reasonable cause, to join his ship, or to proceed to sea in his ship, or for absence without leave at any time within twenty-four hours of the ships sailing from any port either at the commencement or during the progress of any voyage, or for absence at any time without leave and without sufficient reason from his ship or from his duty not amounting to desertion or not treated as such by the master, he shall be liable [to imprisonment for any period not exceeding ten weeks, with or without hard labour, and also, at the discretion of the court,(2)] to forfeit out of his wages a sum not exceeding the amount of two days pay, and in addition for every twenty-four hours of absence either a sum not exceeding six days pay, or any expenses which have been properly incurred in hiring a substitute:

Quitting without leave before ship is secured:

(3.) For quitting the ship without leave after her arrival at her port of delivery and before she is placed in security, he shall be liable to forfeit out of his wages a sum not exceeding one month's pay:

Act of disobedience:

(4.) For wilful disobedience to any lawful command he shall be liable to imprisonment for any period not exceeding

(1) This section is repealed, except as to Scotland, so far as it is applicable to fishing boats, 46 & 47 Vict. c. 41. s. 58.

(2) The words in brackets are repealed within the United Kingdom by 43 & 44 Vict. c. 16. s. 12.

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four weeks, with or without hard labour, and also, at the discretion of the court, to forfeit out of his wages a sum not exceeding two days pay: *Discipline.*

(5.) For continued wilful disobedience to lawful commands or continued wilful neglect of duty, he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour, and also, at the discretion of the court, to forfeit for every twenty-four hours continuance of such disobedience or neglect either a sum not exceeding six days pay, or any expenses which have been properly incurred in hiring a substitute: Continued disobedience:

(6.) For assaulting any master or mate he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour: Assault on officers:

(7.) For combining with any other or others of the crew to disobey lawful commands, or to neglect duty, or to impede the navigation of the ship or the progress of the voyage, he shall be liable to imprisonment for any period not exceeding twelve weeks, with or without hard labour: Combining to disobey:

(8.) For wilfully damaging the ship, or embezzling or wilfully damaging any of her stores or cargo, he shall be liable to forfeit out of his wages a sum equal in amount to the loss thereby sustained, and also, at the discretion of the court, to imprisonment for any period not exceeding twelve weeks, with or without hard labour: Wilful damage and embezzlement:

(9.) For any act of smuggling of which he is convicted, and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay to such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage; and the whole or a proportionate part of his wages may be retained in satisfaction or on account of such liability, without prejudice to any further remedy.] Act of smuggling causing loss to owner.

244. Upon the commission of any of the offences enumerated in the last preceding section an entry thereof shall be made in the official log book, and shall be signed by the master and also by the mate or one of the crew; and the offender, if still in the ship, shall before the next subsequent arrival of the ship at any port, or if she is at the time in port, before her departure therefrom, either be furnished with a copy of such entry or have the same read over distinctly and audibly to him, and may thereupon make such reply thereto as he thinks fit; and a statement that a copy of the said entry has been so furnished, or that the same has been so read over as aforesaid, and the reply (if any) made by the offender, shall likewise be entered and signed in manner aforesaid; and in any subsequent legal proceeding the entries herein-before required shall, if practicable, be produced or Entry of offences to be made in official log, and to be read over or a copy given to the offender, and his reply, if any, to be also entered.

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proved, and in default of such production or proof the court hearing the case may, at its discretion, refuse to receive evidence of the offence.

Seamen whom masters of ships are compelled to convey, and persons going in ships without leave, to be subject to penalties for breach of discipline.

245. Every seafaring person whom the master of any ship is under the authority of this Act or of any other Act of Parliament, compelled to take on board and convey, and every person who goes to sea in any ship without the consent of the master or owner or other person entitled to give such consent, shall, so long as he remains in such ship, be subject to the same laws and regulations for preserving discipline, and to the same penalties and punishments for offences constituting or tending to a breach of discipline, to which he would be subject if he were a member of the crew and had signed the agreement.

Master or owner may apprehend deserters without warrant.

[**246.**(1) Whenever, either at the commencement or during the progress of any voyage, any seaman or apprentice neglects or refuses to join, or deserts from or refuses to proceed to sea in any ship in which he is duly engaged to serve, or is found otherwise absenting himself therefrom without leave, the master or any mate, or the owner, ship's husband, or consignee, may in any place in her Majesty's dominions, with or without the assistance of the local police officers or constables, who are hereby directed to give the same, if required, and also at any place out of her Majesty's dominions, if and so far as the laws in force at such place will permit, apprehend him without first procuring a warrant; and may thereupon in any case, and shall in case he so requires and it is practicable, convey him before some court capable of taking cognizance of the matter, to be dealt with according to law; and may, for the purpose of conveying him before such court, detain him in custody for a period not exceeding twenty-four hours or such shorter time as may be necessary, or may, if he does not so require, or if there is no such court at or near the place, at once convey him on board; and if any such apprehension appears to the court before which the case is brought to have been made on improper or on insufficient grounds, the master, mate, owner, ship's husband, or consignee who makes the same or causes the same to be made, shall incur a penalty not exceeding twenty pounds; but such penalty if inflicted shall be a bar to any action for false imprisonment in respect of such apprehension.]

Deserters may be sent on board in lieu of being imprisoned.

247. Whenever any seaman or apprentice is brought before any court on the ground of his having neglected or refused to join or to proceed to sea in any ship in which he is engaged to serve, or of having deserted or otherwise absented himself therefrom without leave, such court may, if the master or the owner or his agent so requires, [instead of committing the offender to prison,(1)] cause him to be conveyed on board for the purpose of proceeding on the voyage, or deliver him to the master or any

(1) Sect. 246. and the words within brackets in sect. 247. are repealed within the United Kingdom by 43 & 44 Vict. c. 16. s. 12.

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mate of the ship, or the owner or his agent, to be by them so conveyed, and may in such case order any costs and expenses properly incurred by or on behalf of the master or owner by reason of the offence to be paid by the offender, and if necessary, to be deducted from any wages which he has then earned, or which by virtue of his then existing engagement he may afterwards earn. *Discipline.*

Seamen imprisoned for desertion or breach of discipline may be sent on board before termination of sentence.

[**248.**(1) If any seaman or apprentice is imprisoned on the ground of his having neglected or refused to join or to proceed to sea in any ship in which he is engaged to serve, or of having deserted or otherwise absented himself therefrom without leave, or of his having committed any other breach of discipline, and if during such imprisonment and before his engagement is at an end his services are required on board his ship, any justice may, at the request of the master or of the owner or his agent, cause such seaman or apprentice to be conveyed on board his said ship for the purpose of proceeding on the voyage, or to be delivered to the master or any mate of the ship or to the owner or his agent, to be by them so conveyed, notwithstanding that the termination of the period for which he was sentenced to imprisonment has not arrived.]

Entries and certificates of desertion abroad to be copied, sent home, and admitted in evidence.

249. In all cases of desertion from any ship in any place abroad, the master shall produce the entry of such desertion in the official log book to the person or persons hereby required to indorse on the agreement a certificate of such desertion; and such person or persons shall thereupon make and certify a copy of such entry and also a copy of the said certificate of desertion; and if such person is a public functionary he shall, and in other cases the said master shall forthwith transmit such copies to the registrar general of seamen in England; and the said registrar shall, if required, cause the same to be produced in any legal proceeding; and such copies, if purporting to be so made and certified as aforesaid, and certified to have come from the custody of the said registrar, shall in any legal proceeding relating to such desertion be received as evidence of the entries therein appearing.

Facilities for proving desertion so far as concerns forfeiture of wages.

250. Whenever a question arises whether the wages of any seaman or apprentice are forfeited for desertion, it shall be sufficient for the party insisting on the forfeiture to show that such seaman or apprentice was duly engaged in or that he belonged to the ship from which he is alleged to have deserted, and that he quitted such ship before the completion of the voyage or engagement, or if such voyage was to terminate in the United Kingdom and the ship has not returned, that he is absent from her, and that an entry of the desertion has been duly made in the official log book; and thereupon the desertion shall, so far as relates to any forfeiture of wages or emoluments

(1) Repealed within the United Kingdom, 43 & 44 Vict. c. 16. s. 12.

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under the provisions herein-before contained, be deemed to be proved, unless the seaman or apprentice can produce a proper certificate of discharge, or can otherwise show to the satisfaction of the court that he had sufficient reasons for leaving his ship.

Costs of procuring imprisonment may to the extent of 3*l.* be deducted from wages.

251. Whenever in any proceeding relating to seamen's wages it is shown that any seaman or apprentice has in the course of the voyage been convicted of any offence by any competent tribunal and rightfully punished therefor by imprisonment or otherwise, the court hearing the case may direct a part of the wages due to such seaman, not exceeding three pounds, to be applied in reimbursing any costs properly incurred by the master in procuring such conviction and punishment.

Amount of forfeiture how to be ascertained when seamen contract for the voyage.

252. Whenever any seaman contracts for wages by the voyage or by the run or by the share, and not by the month or other stated period of time, the amount of forfeiture to be incurred under this Act shall be taken to be an amount bearing the same proportion to the whole wages or share as a calendar month or other the period herein-before mentioned in fixing the amount of such forfeiture (as the case may be) bears to the whole time spent in the voyage; and if the whole time spent in the voyage does not exceed the period for which the pay is to be forfeited, the forfeiture shall extend to the whole wages or share.

Application of forfeitures.

253. All clothes, effects, wages, and emoluments which under the provisions herein-before contained are forfeited for desertion shall be applied in the first instance in or towards the reimbursement of the expenses occasioned by such desertion to the master or owner of the ship from which the desertion has taken place; and may, if earned subsequently to the desertion, be recovered by such master, or by the owner or his agent, in the same manner as the deserter might have recovered the same if they had not been forfeited; and in any legal proceeding relating to such wages the court may order the same to be paid accordingly; and subject to such reimbursement the same shall be paid into the receipt of her Majesty's Exchequer in such manner as the Treasury may direct, and shall be carried to and form part of the consolidated fund of the United Kingdom; and in all other cases of forfeiture of wages under the provisions herein-before contained the forfeiture shall, in the absence of any specific directions to the contrary, be for the benefit of the master or owner by whom the wages are payable.

Questions of forfeitures may be decided in suits for wages.

254. Any question concerning the forfeiture of or deductions from the wages of any seaman or apprentice may be determined in any proceeding lawfully instituted with respect to such wages, notwithstanding that the offence in respect of which such question arises, though hereby made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding.

Penalty for false statement

255. If any seaman on or before being engaged wilfully and fraudulently makes a false statement of the name of his last ship

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as to last ship or name.

or last alleged ship, or wilfully and fraudulently makes a false statement of his own name, he shall incur a penalty not exceeding five pounds; and such penalty may be deducted from any wages he may earn by virtue of such engagement as aforesaid, and shall, subject to reimbursement of the loss and expenses (if any) occasioned by any previous desertion, be paid and applied in the same manner as other penalties payable under this Act.

Fines to be deducted from wages, and paid to shipping master.

256. Whenever any seaman commits an act of misconduct for which his agreement imposes a fine, and which it is intended to punish by enforcing such fine, an entry thereof shall be made in the official log book, and a copy of such entry shall be furnished or the same shall be read over to the offender, and an entry of such reading over, and of the reply (if any) made by the offender, shall be made, in the manner and subject to the conditions herein-before specified with respect to the offences against discipline specified in and punishable under this Act; and such fine shall be deducted and paid over as follows; (that is to say,) if the offender is discharged in the United Kingdom, and the offence and such entries in respect thereof as aforesaid are proved, in the case of a foreign-going ship to the satisfaction of the shipping master before whom the offender is discharged, and in the case of a home trade ship to the satisfaction of the shipping master at or nearest to the place at which the crew is discharged, the master orowner shall deduct such fine from the wages of the offender, and pay the same over to such shipping master; and if before the final discharge of the crew in the United Kingdom any such offender as aforesaid enters into any of her Majesty's ships, or is discharged abroad, and the offence and such entries as aforesaid are proved to the satisfaction of the officer in command of the ship into which he so enters, or of the consular officer, officer of customs, or other person by whose sanction he is so discharged, the fine shall thereupon be deducted as aforesaid, and an entry of such deduction shall then be made in the official log book (if any) and signed by such officer or other person; and on the return of the ship to the United Kingdom the master or owner shall pay over such fine, in the case of foreign-going ships, to the shipping master before whom the crew is discharged and in the case of home trade ships to the shipping master at or nearest to the place at which the crew is discharged; and if any master or owner neglects or refuses to pay over any such fine in manner aforesaid, he shall for each such offence incur a penalty not exceeding six times the amount of the fine retained by him: Provided that no act of misconduct for which any such fine as aforesaid has been inflicted and paid shall be otherwise punished under the provisions of this Act.

Penalty for enticing to desert, and harbouring deserters.

257. Every person who by any means whatever persuades or attempts to persuade any seaman or apprentice to neglect or refuse to join or to proceed to sea in or to desert from his ship, or otherwise to absent himself from his duty, shall for each such

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Discipline.

offence in respect of each such seaman or apprentice incur a penalty not exceeding ten pounds; and every person who wilfully harbours or secretes any seaman or apprentice who has deserted from his ship, or who has wilfully neglected or refused to join or has deserted from his ship, knowing or having reason to believe such seaman or apprentice to have so done, shall for every such seaman or apprentice so harboured or secreted incur a penalty not exceeding twenty pounds.

Penalty for obtaining passage surreptitiously.

258. Any person who secretes himself and goes to sea in any ship without the consent of either the owner, consignee, or master, or of a mate, or of any person in charge of such ship, or of any other person entitled to give such consent, shall incur a penalty not exceeding twenty pounds, or be liable to imprisonment with or without hard labour for any period not exceeding four weeks.

On change of masters, documents hereby required to be handed over to successor.

259. If during the progress of a voyage the master is superseded or for any other reason quits the ship and is succeeded in the command by some other person, he shall deliver to his successor the various documents relating to the navigation of the ship and to the crew thereof which are in his custody, and shall in default incur a penalty not exceeding one hundred pounds; and such successor shall immediately on assuming the command of the ship enter in the official log a list of the documents so delivered to him.

Naval Courts.

Naval Courts on the High Seas and abroad.

Naval courts may be summoned for hearing complaints, and investigating wrecks on the high seas or abroad.

260. Any officer in command of any ship of her Majesty on any foreign station, or, in the absence of such officer, any consular officer, may summon a court to be termed a "naval court," in the following cases(1); (that is to say,)

(1.) Whenever a complaint which appears to such officer to require immediate investigation is made to him by the master of any British ship, or by any certificated mate or by one or more of the seamen belonging to any such ship:

(2.) Whenever the interest of the owner of any British ship or of the cargo of any such ship appears to such officer to require it:

(3.) Whenever any British ship is wrecked or abandoned or otherwise lost at or near the place where such officer may be, or whenever the crew or part of the crew of any British ship which has been wrecked, abandoned, or lost abroad arrives at such place.

(1) *See* 18 & 19 Vict. c. 91. s. 18., p. 238, *post*, by which the powers of naval courts are extended and read in connexion therewith, 17 & 18 Vict. c. 104. s. 518., p. 228, *post*.

As to power of naval courts to direct the survey of ships, *see* 34 & 35 Vict. c. 110. s. 8., *post*.

See, as to power to cancel or suspend certificates, s. 242., p. 201, *ante*, as modified by 25 & 26 Vict. c. 63. s. 23., *post*. *See*, as to power to rescind contract between owner or master and seaman or apprentice, the Merchant Seamen (Payment of Wages and Rating) Act, 1880 (43 & 44 Vict. c. 16.), s. 8., *post*.

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Naval Courts.

Constitution of such courts.

261. Every such naval court as aforesaid shall consist of not more than five and not less than three members, of whom, if possible, one shall be an officer in the naval service of her Majesty not below the rank of lieutenant, one a consular officer, and one a master of a British merchant ship, and the rest shall be either officers in the naval service of her Majesty, masters of British merchant ships, or British merchants; and such court may include the naval or consular officer summoning the same, but shall not include the master or consignee of the ship to which the parties complaining or complained against may belong; and the naval or consular officer in such court, if there is only one such officer in the court, or, if there is more than one, the naval or consular officer who, according to any regulations for settling their respective ranks for the time being in force, is of the highest rank, shall be the president of such court.

General functions and mode of action of such courts.

262. Every such naval court shall hear and investigate the complaint brought before it, or the cause of the wreck or abandonment, (as the case may be,) and may for that purpose summon and compel the attendance of parties and witnesses, and administer oaths, and order the production of documents, and shall conduct the investigation in such manner as to give any person against whom any charge is made an opportunity of making a defence.

Powers of such courts:

263. Every such naval court may, after hearing the case, exercise the following powers; (that is to say,)

To supersede the master:

(1.) It may, if unanimous that the safety of the ship or crew, or the interest of the owner, absolutely requires it, supersede the master, and may appoint another person to act in his stead; but no such appointment shall be made without the consent of the consignee of the ship, if then at the place:

To discharge a seaman:

(2.) It may discharge any seaman from his ship:

To forfeit wages:

(3.) It may order the wages of any seaman so discharged or any part of such wages to be forfeited, and may direct the same either to be retained by way of compensation to the owner, or to be paid into the receipt of her Majesty's Exchequer in the same manner as other penalties and forfeitures under this Act:

To decide disputes as to wages, &c.:

(4.) It may decide any questions as to wages, or fines, or forfeitures, arising between any of the parties to the proceedings:

To direct costs of imprisonment to be paid out of wages:

(5.) It may direct that all or any of the costs incurred by the master or owner of any ship in procuring the imprisonment of any seaman or apprentice in a foreign port, or in his maintenance whilst so imprisoned, shall be paid out of and deducted from the wages of such seaman or apprentice, whether then or subsequently earned:

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Naval Courts.

To send home offenders for trial:

(6.) It may exercise the same powers with regard to persons charged before it with the commission of offences at sea or abroad as are by this Act given to British consular officers:

To order payment of costs, &c.

(7.) It may order the costs of the proceeding before it (if any), or any portion thereof, to be paid by any of the parties thereto, and may order any person making a frivolous or vexatious complaint to pay compensation for any loss or delay caused thereby; and any cost or compensation so ordered shall be paid by such person accordingly, and may be recovered in the same manner in which the wages of seamen are recoverable, or may, if the case admits, be deducted from his wages:

And all orders duly made by any such court under the powers hereby given to it shall in any subsequent legal proceedings be deemed conclusive as to the rights of the parties.

Orders to be entered in official log.

264. All orders made by any such naval court shall, whenever practicable, be entered in the official log book of the ship to which the parties to the proceedings before it belong, and shall be signed by the president of the court.

Report to be made of proceedings of naval courts.

265. Every such naval court shall make a report to the Board of Trade, containing the following particulars; (that is to say,)

(1.) A statement of the proceedings, with the order made by the court, and a report of the evidence:

(2.) An account of the wages of any seaman or apprentice who is discharged from his ship by such court:

(3.) If summoned in order to inquire into a case of wreck or abandonment, a statement of the opinion of the court as to the cause of such wreck or abandonment, with such remarks on the conduct of the master and crew as the circumstances require:

And every such report shall be signed by the president of the court, and every document purporting to be such a report and to be so signed as aforesaid shall, if produced out of the custody of some officer of the Board of Trade, be deemed to be such report, unless the contrary is proved, and shall be received in evidence, subject to all just exceptions.

Penalty for preventing complaint or obstructing investigation.

266. Any person who wilfully and without due cause prevents or obstructs the making of any such complaint as last aforesaid, or the conduct of any case or investigation by any naval court, shall for each such offence incur a penalty not exceeding fifty pounds, or be liable to imprisonment with or without hard labour for any period not exceeding twelve weeks.

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Crimes committed on the High Seas and abroad.

Crimes committed abroad.

Offences committed by British seamen at foreign ports to be within Admiralty jurisdiction.

267. All offences against property or person committed in or at any place either ashore or afloat out of her Majesty's dominions by any master, seaman, or apprentice who at the time when the offence is committed is or within three months previously has been employed in any British ship shall be deemed to be offences of the same nature respectively, and be liable to the same punishments respectively, and be inquired of, heard, tried, determined, and adjudged in the same manner and by the same courts and in the same places as if such offences had been committed within the jurisdiction of the Admiralty of England; and the costs and expenses of the prosecution of any such offence may be directed to be paid as in the case of costs and expenses of prosecutions for offences committed within the jurisdiction of the Admiralty of England.

Conveyance of offenders and witnesses to United Kingdom or some British possession.

268. The following rules shall be observed with respect to offences committed on the high seas or abroad; (that is to say,)

(1.) Whenever any complaint is made to any British consular officer of any of the offences mentioned in the last preceding section, or of any offence on the high seas having been committed by any master, seaman, or apprentice belonging to any British ship, such consular officer(1) may inquire into the case upon oath, and may if the case so requires take any steps in his power for the purpose of placing the offender under necessary restraint and of sending him as soon as practicable in safe custody to the United Kingdom, or to any British possession in which there is a court capable of taking cognizance of the offence, in any ship belonging to her Majesty or to any of her subjects, to be there proceeded against according to law:

(2.) For the purpose aforesaid such consular officer may order the master of any ship belonging to any subject of her Majesty bound to the United Kingdom or to such British possession as aforesaid to receive and afford a passage and subsistence during the voyage to any such offender as aforesaid, and to the witnesses, so that such master be not required to receive more than one offender for every one hundred tons of his ship's registered tonnage, or more than one witness for every fifty tons of such tonnage; and such consular officer shall indorse upon the agreement of the ship such particulars with respect to any offenders or witnesses sent in her as the Board of Trade requires:

(3.) Every such master shall on his ship's arrival in the United Kingdom, or in such British possession as aforesaid,

(1) This section is applied to the removal of an offender under the Slave Trade Act (36 & 37 Vict. c. 88.), s. 26., *post*.

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Crimes committed abroad.

give every offender so committed to his charge into the custody of some police officer or constable, who shall take the offender before a justice of the peace or other magistrate by law empowered to deal with the matter, and such justice or magistrate shall deal with the matter as in cases of offences committed upon the high seas:

And any such master as aforesaid who, when required by any British consular officer to receive and afford a passage and subsistence to any offender or witness, does not receive him and afford such passage and subsistence to him, or who does not deliver any offender committed to his charge into the custody of some police officer or constable as herein-before directed, shall for each such offence incur a penalty not exceeding fifty pounds; * * * * * * * (1)

Inquiry into cause of death on board.

[**269.**(2) Whenever any case of death happens on board any foreign-going ship, the shipping master shall on the arrival of such ship at the port where the crew is discharged inquire into the cause of such death, and shall make on the list of the crew delivered to him as herein required an indorsement to the effect either that the statement of the cause of death therein contained is in his opinion true or otherwise, as the result of the inquiry requires; and every such shipping master shall for the purpose of such inquiry have the powers hereby given to inspectors appointed by the Board of Trade under the first part of this Act; and if in the course of such inquiry it appears to him that any such death as aforesaid has been caused by violence or other improper means, he shall either report the matter to the Board of Trade, or, if the emergency of the case so requires, shall take immediate steps for bringing the offender or offenders to justice.]

Depositions to be received in evidence when witness cannot be produced.

270. Whenever in the course of any legal proceedings instituted in any part of her Majesty's dominions before any judge or magistrate, or before any person authorized by law or by consent of parties to receive evidence, the testimony of any witness is required in relation to the subject matter of such proceeding, then upon due proof, if such proceeding is instituted in the United Kingdom, that such witness cannot be found in that kingdom, or if in any British possession, that he cannot be found in the same possession, any deposition that such witness may have previously made on oath in relation to the same

(1) "The expenses under section 268 of the Merchant Shipping Act, 1854, of "imprisoning any such offender as therein mentioned, and of conveying him and the "witnesses to the United Kingdom, or to such British possession as mentioned in "that section, in any manner other than in the ship to which they respectively "belong, shall, where not paid as part of the costs of the prosecution, be paid out "of moneys provided by Parliament."—Merchant Shipping (Expenses) Act, 1882 (45 & 46 Vict. c. 55.), s. 9.

(2) Repealed, except as to Scotland, as far as applicable to fishing boats, 46 & 47 Vict. c. 41. s. 55.

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subject matter before any justice or magistrate in her Majesty's dominions, or any British consular officer elsewhere, shall be admissible in evidence, subject to the following restrictions; (that is to say,) *Crimes committed abroad.*

(1.) If such deposition was made in the United Kingdom, it shall not be admissible in any proceeding instituted in the United Kingdom:

(2.) If such a deposition was made in any British possession, it shall not be admissible in any proceeding instituted in the same British possession:

(3.) If the proceeding is criminal it shall not be admissible unless it was made in the presence of the person accused:

Every deposition so made as aforesaid shall be authenticated by the signature of the judge, magistrate, or consular officer before whom the same is made; and such judge, magistrate, or consular officer shall, when the same is taken in a criminal matter, certify, if the fact is so, and that the accused was present at the taking thereof, but it shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition; and in any criminal proceeding such certificate as aforesaid shall, unless the contrary is proved, be sufficient evidence of the accused having been present in manner thereby certified; but nothing herein contained shall affect any case in which depositions taken in any proceeding are rendered admissible in evidence by any Act of Parliament, or by any Act or ordinance of the legislature of any colony, so far as regards such colony, or to interfere with the power of any colonial legislature to make such depositions admissible in evidence, or to interfere with the practice of any court in which depositions not authenticated as herein-before mentioned are admissible.

Official Logs. *Official Logs.*

280. The Board of Trade shall sanction forms of official log books, which may be different for different classes of ships, so that each such form contains blanks for the entries herein-after required; and an official log of every ship [(except ships employed exclusively in trading between ports on the coasts of the United Kingdom)(1)] shall be kept in the appropriate sanctioned form; and such official log may, at the discretion of the master or owner, either be kept distinct from the ordinary ship's log or united therewith, so that in all cases all the blanks in the official log be duly filled up. Official logs to be kept in forms sanctioned by Board of Trade.

281. Every entry in every official log shall be made as soon as possible after the occurrence to which it relates, and if not Entries to be made in due time.

(1) The words in brackets are repealed, except as to Scotland, so far as applicable to fishing boats, 46 & 47 Vict. c. 41. s. 55.

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Official Logs.

made on the same day as the occurrence to which it relates, shall be made and dated so as to show the date of the occurrence and of the entry respecting it; and in no case shall any entry therein in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge be made more than twenty-four hours after such arrival.

Entries required in official log.

282.(1) Every master of a ship for which an official log book is hereby required shall make or cause to be made therein entries of the following matters; (that is to say,)

Convictions.

(1.) Every legal conviction of any member of his crew, and the punishment inflicted:

Offences.

(2.) Every offence committed by any member of his crew, for which it is intended to prosecute, or to enforce a forfeiture, or to exact a fine, together with such statement concerning the reading over such entry, and concerning the reply (if any) made to the charge, as herein-before required:

Punishments.

(3.) Every offence for which punishment is inflicted on board, and the punishment inflicted:

Conduct, &c. of crew.

(4.) A statement of the conduct, character, and qualifications of each of his crew, or a statement that he declines to give an opinion on such particulars:

Illnesses and injuries.

(5.) Every case of illness or injury happening to any member of the crew, with the nature thereof, and the medical treatment adopted (if any):

* * * * * * *

Marriages.

(8.) Every marriage taking place on board, with the names and ages of the parties:

Quitting ship.

(9.) The name of every seaman or apprentice who ceases to be a member of the crew, otherwise than by death, with the place, time, manner, and cause thereof:

Wages of men entering navy.

(10.) The amount of wages due to any seaman who enters her Majesty's service during the voyage:

Wages of deceased seamen.

(11.) The wages due to any seaman or apprentice who dies during the voyage, and the gross amount of all deductions to be made therefrom:

Sale of deceased men's effects.

(12.) The sale of the effects of any seaman or apprentice who dies during the voyage, including a statement of each article sold, and of the sum received for it:

Collisions.

(13.) Every collision with any other ship, and the circumstances under which the same occurred.

Entries how to be signed.

283. The entries hereby required to be made in official log books shall be signed as follows; that is to say, every such entry

(1) Sec. 282. is repealed so far as it relates to the entry of any birth or death, by 37 & 38 Vict. c. 88. s. 54.

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shall be signed by the master and by the mate or some other of the crew, and every entry of illness, injury, or death shall be also signed by the surgeon or medical practitioner on board (if any); and every entry of wages due to or of the sale of the effects of any seaman or apprentice who dies shall be signed by the master and by the mate and some other member of the crew; and every entry of wages due to any seaman who enters her Majesty's service shall be signed by the master, and by the seaman or by the officer authorized to receive the seaman into such service. *Official Logs.*

284. The following offences in respect of official log books shall be punishable as herein-after mentioned; (that is to say,) Penalties in respect of official logs.

(1.) If in any case an official log book is not kept in the manner hereby required, or if any entry hereby directed to be made in any such log book is not made at the time and in the manner hereby directed, the master shall for each such offence incur the specific penalty herein mentioned in respect thereof, or where there is no such specific penalty, a penalty not exceeding five pounds:

(2.) Every person who makes or procures to be made or assists in making any entry in any official log book in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge more than twenty-four hours after such arrival, shall for each such offence incur a penalty not exceeding thirty pounds:

(3.) Every person who wilfully destroys or mutilates or renders illegible any entry in any official log book, or who wilfully makes or procures to be made or assists in making any false or fraudulent entry or omission in any such log book, shall for each such offence be deemed guilty of a misdemeanor.

285. All entries made in any official log book as herein-before directed shall be received in evidence in any proceeding in any court of justice, subject to all just exceptions. Entries in official logs to be received in evidence.

286. In the case of foreign-going ships the master shall, within forty-eight hours after the ship's arrival at her final port of destination in the United Kingdom, or upon the discharge of the crew, whichever first happens, deliver to the shipping master before whom the crew is discharged the official log book of the voyage; and the master or owner of every home trade ship, not exclusively employed in trading between ports on the coasts in the United Kingdom, shall within twenty-one days after the thirtieth day of June, and the thirty-first day of December in every year transmit or deliver to some shipping master in the United Kingdom the official log book for the preceding half Official logs to be delivered to shipping master.

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Official Logs.

year; and every master or owner who refuses or neglects to deliver his official log book as hereby required shall be subject to the same consequences and liabilities to which he is hereby made subject for the non-delivery of the list of his crew herein-before mentioned.

Official logs to be sent home in case of transfer of ship, and in case of loss.

287. If any ship ceases by reason of transfer of ownership or change of employment to fall within the definition of a foreign-going or of a home trade ship, the master or owner thereof shall, if such ship is then in the United Kingdom, within one month, and if she is elsewhere, within six months, deliver or transmit to the shipping master at the port to which the ship belonged the official log book (if any) duly made out to the time at which she ceased to be a foreign-going or home trade ship, and in default shall for each offence incur a penalty not exceeding ten pounds; and if any ship is lost or abandoned, the master or owner thereof shall, if practicable, and as soon as possible, deliver or transmit to the shipping master at the port to which the ship belonged the official log book (if any) duly made out to the time of such loss or abandonment, and in default shall for each offence incur a penalty not exceeding ten pounds.

PART VI.

LIGHTHOUSES.

Light Dues.

Light Dues.

Dues to be levied.

396. Subject to any alterations to be made under the powers herein-after contained, the said general lighthouse authorities shall, in respect of the existing lighthouses, buoys, or beacons within their respective jurisdictions, continue to levy dues, herein-after called light dues, after the rate at which the same are levied at the time when this Act comes into operation; and such light dues shall be payable in respect of all ships whatever, except ships belonging to her Majesty, and ships hereby exempted from payment thereof.

PART VIII.

WRECKS, CASUALTIES, AND SALVAGE.

Inquiries into Wrecks.

Inquiries into Wrecks.

Inquiries to be instituted in cases of wreck and casualty.

432. In any of the cases following; that is to say,

Whenever any ship is lost, abandoned, or materially damaged on or near the coasts of the United Kingdom;

Whenever any ship causes loss or material damage to any other ship on or near such coasts;

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Inquiries into Wrecks.

Whenever by reason of any casualty happening to or on board of any ship on or near such coasts loss of life ensues;

Whenever any such loss, abandonment, damage, or casualty happens elsewhere, and any competent witnesses thereof arrive or are found at any place in the United Kingdom,

It shall be lawful for the inspecting officer of the coast guard or the principal officer of customs residing at or near the place where such loss, abandonment, damage, or casualty occurred, if the same occurred on or near the coasts of the United Kingdom, but if elsewhere at or near the place where such witnesses as aforesaid arrive or are found or can be conveniently examined, or for any other person appointed for the purpose by the Board of Trade, to make inquiry respecting such loss, abandonment, damage, or casualty; and he shall for that purpose have all the powers given by the first part of this Act to inspectors appointed by the said board.

Appointment and Duties of Receivers.(1)

Appointment and Duties of Receivers.

Board of Trade superintendents of wreck, with power to appoint receivers.

439. The Board of Trade shall throughout the United Kingdom have the general superintendence of all matters relating to wreck; and it may, with the consent of the commissioners of her Majesty's Treasury, appoint any officer of customs or of the coast guard, or any officer of inland revenue, or when it appears to such board to be more convenient, any other person, to be a receiver of wreck in any district, and to perform such duties as are herein-after mentioned, and shall give due notice of every such appointment.

Admiral not to interfere with wreck.

440. No admiral, vice admiral, or other person, under whatever denomination, exercising Admiralty jurisdiction, shall, as such, by himself or his agents, receive, take, or interfere with any wreck, except as herein-after mentioned.

Duty of receiver when any ship is stranded or in distress.

441. Whenever any ship or boat is stranded or in distress at any place on the shore of the sea or of any tidal water within the limits of the United Kingdom, the receiver of the district within which such place is situate shall, upon being made acquainted with such accident, forthwith proceed to such place, and upon his arrival there he shall take the command of all persons present, and assign such duties to each person, and issue such directions, as he may think fit, with a view to the preservation of such ship or boat, and the lives of the persons belonging thereto, and the cargo and apparel thereof; and if any person wilfully disobeys such directions, he shall forfeit a sum not exceeding fifty pounds; but it shall not be lawful for such receiver to interfere between the master of such ship or boat and his crew in matters relating to the management thereof, unless he is requested so to do by such master.

(1) *See* further as to receivers, 25 & 26 Vict. c. 63. ss. 50., 52., and 53., which, however, hardly concern navy, except in so far as s. 53., explaining 17 & 18 Vict. c. 104. s. 475., recognises possibility of claim by admiral or vice-admiral to unclaimed wreck.

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Appointment and Duties of Receivers.

442. The receiver may, with a view to such preservation as aforesaid of the ship or boat, persons, cargo, and apparel, do the following things; (that is to say,)

Powers of receiver in case of such accident to any ship or boat.

(1.) Summon such number of men as he thinks necessary to assist him:

(2.) Require the master or other person having the charge of any ship or boat near at hand to give such aid with his men, ship, or boats as may be in his power:

(3.) Demand the use of any waggon, cart, or horses that may be near at hand:

And any person refusing without reasonable cause to comply with any summons, requisition, or demand so made as aforesaid shall for every such refusal incur a penalty not exceeding one hundred pounds; but no person shall be liable to pay any duty of assessed taxes in respect of any such waggon, cart, or horses, by reason of the user of the same under this section.

All articles washed on shore, or lost, or taken from any ship or boat, to be delivered to the receiver.

443. All cargo and other articles belonging to such ship or boat as aforesaid that may be washed on shore, or otherwise be lost or taken from such ship or boat, shall be delivered to the receiver; and any person, whether he is the owner or not, who secretes or keeps possession of any such cargo or article, or refuses to deliver the same to the receiver or to any person authorised by him to demand the same, shall incur a penalty not exceeding one hundred pounds; and it shall be lawful for such receiver or other person as aforesaid to take such cargo or article by force from the person so refusing to deliver the same.

Power of receiver to suppress plunder and disorder by force.

444. Whenever any such accident as aforesaid occurs to any ship or boat, and any person plunders, creates disorder, or obstructs the preservation of such ship, boat, lives, or cargo as aforesaid, it shall be lawful for the receiver to cause such person to be apprehended and to use force for the suppression of any such plundering, disorder, or obstruction as aforesaid, with power to command all her Majesty's subjects to assist him in the use of such force; and if any person is killed, maimed, or hurt by reason of his resisting the receiver in the execution of the duties hereby committed to him, or any person acting under his orders, such receiver or other person shall be free and fully indemnified as well against the Queen's Majesty, her heirs and successors, as against all persons so killed, maimed, or hurt.

Certain officers to exercise powers of receiver in his absence.

445. During the absence of the receiver from the place where any such accident as aforesaid occurs, or in places where no receiver has been appointed under this Act, the following officers in succession, each in the absence of the other, in the order in which they are named, that is to say, any principal officer of customs or of the coast guard, or officer of inland

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Appointment and Duties of Receivers.

revenue, and also any sheriff, justice of the peace, commissioned officer on full pay in the naval service of her Majesty, or commissioned officer on full pay in the Military service of her Majesty, may do all matters and things hereby authorized to be done by the receiver, with this exception, that with respect to any goods or articles belonging to any such ship or boat, the delivery up of which to the receiver is herein-before required, any officer so acting shall be considered as the agent of the receiver, and shall place the same in the custody of the receiver; and no person so acting as substitute for any receiver shall be entitled to any fees payable to receivers, or be deprived by reason of his so acting of any right to salvage to which he would otherwise be entitled.

Power in case of a ship being in distress to pass over adjoining lands with carriages.

446. Whenever any such accident as aforesaid occurs to any ship or boat, all persons may, for the purpose of rendering assistance to such ship or boat, or saving the lives of the persons on board the same, or the cargo or apparel thereof, unless there is some public road equally convenient, pass and repass either with or without carriages or horses over any adjoining lands, without being subject to interruption by the owner or occupier, so that they do as little damage as possible, and may also, on the like condition, deposit on such lands any cargo or other article recovered from such ship or boat; and all damage that may be sustained by any owner or occupier in consequence of any such passing or repassing or deposit as aforesaid shall be a charge on the ship, boat, cargo, or articles in respect of or by which such damage was occasioned, and shall, in default of payment, be recoverable in the same manner as salvage is hereby made recoverable; and the amount payable in respect thereof, if disputed, shall be determined in the same manner as the amount of salvage is hereby in case of dispute directed to be determined.

Penalty on owners and occupiers of land refusing to allow carriages, &c. to pass over their land.

447. If the owner or occupier of any land over which any person is hereby authorized to pass or repass for any of the purposes herein-before mentioned does any of the following things; (that is to say,)

(1.) Impedes or hinders any such person from so passing or repassing with or without carriages, horses, and servants, by locking his gates, refusing, upon request, to open the same, or otherwise however;

(2.) Impedes or hinders the deposit of any cargo or other article recovered from any such ship or boat, as herein-before mentioned;

(3.) Prevents such cargo or other article from remaining so deposited for a reasonable time, until the same can be removed to a safe place of public deposit,

He shall for every such offence incur a penalty not exceeding one hundred pounds.

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Appointment and Duties of Receivers.

Power of receiver to institute examination with respect to ships in distress.

448. Any receiver, or in his absence any justice of the peace, shall, as soon as conveniently may be, examine upon oath (which oath they are hereby respectively empowered to administer) any person belonging to any ship which may be or may have been in distress on the coasts of the United Kingdom, or any other person who may be able to give any account thereof or of the cargo or stores thereof, as to the following matters; (that is to say,)

(1.) The name and description of the ship;

(2.) The name of the master and of the owners;

(3.) The names of the owners of the cargo;

(4.) The ports or places from and to which the ship was bound;

(5.) The occasion of the distress of the ship;

(6.) The services rendered;

(7.) Such other matters or circumstances relating to such ship, or to the cargo on board the same, as the receiver or justice thinks necessary:

And such receiver or justice shall take the examination down in writing, and shall make two copies of the same, of which he shall send one to the Board of Trade, and the other to the secretary of the committee for managing the affairs of Lloyd's in London, and such last-mentioned copy shall be placed by the said secretary in some conspicuous situation for the inspection of persons desirous of examining the same; and for the purposes of such examination every such receiver or justice as aforesaid shall have all the powers given by the first part of this Act to inspectors appointed by the Board of Trade.

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Rules to be observed by persons finding wreck.

450. The following rules shall be observed by any person finding or taking possession of wreck within the United Kingdom; (that is to say,)

(1.) If the person so finding or taking possession of the same is the owner, he shall as soon as possible give notice to the receiver of the district within which such wreck is found, stating that he has so found or taken possession of the same; and he shall describe in such notice the marks by which such wreck is distinguished:

(2.) If any person, not being the owner, finds or takes possession of any wreck, he shall as soon as possible deliver the same to such receiver as aforesaid:

And any person making default in obeying the provisions of this section shall incur the following penalties; (that is to say,)

(3.) If he is the owner, and makes default in performing the several things the performance of which is hereby imposed on an owner, he shall incur a penalty not exceeding one hundred pounds:

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Appointment and Duties of Receivers.

(4.) If he is not the owner, and makes default in performing the several things the performance of which is hereby imposed on any person not being an owner,

He shall forfeit all claim to salvage;

He shall pay to the owner of such wreck, if the same is claimed, but if the same is unclaimed then to the person entitled to such unclaimed wreck, double the value of such wreck (such value to be recovered in the same way as a penalty of like amount); and

He shall incur a penalty not exceeding one hundred pounds.

Power for receiver to seize concealed wreck.

451. If any receiver suspects or receives information that any wreck is secreted or in the possession of some person who is not the owner thereof, or otherwise improperly dealt with, he may apply to any justice of the peace for a warrant, and such justice shall have power to grant a warrant, by virtue whereof it shall be lawful for the receiver to enter into any house or other place wherever situate, and also into any ship or boat, and to search for, and to seize and detain any such wreck as aforesaid there found; and if any such seizure is made in consequence of information that may have been given by any person to the receiver, the informer shall be entitled by way of salvage to such sum not exceeding in any case five pounds as the receiver may allow.

Notice of wreck to be given by receiver.

452. Every receiver shall within forty-eight hours after taking possession of any wreck cause to be posted up in the custom house of the port nearest to the place where such wreck was found or seized a description of the same and of any marks by which it is distinguished, and shall also, if the value of such wreck exceeds twenty pounds, but not otherwise, transmit a similar description to the secretary of the committee of Lloyd's aforesaid; and such secretary shall post up the description so sent, or a copy thereof, in some conspicuous place, for the inspection of all persons desirous of examining the same.

Goods deemed perishable or of small value may be sold immediately.

453. In cases where any wreck in the custody of any receiver is under the value of five pounds, or is of so perishable a nature or so much damaged that the same cannot, in his opinion, be advantageously kept, or if the value thereof is not sufficient to defray the charge of warehousing, the receiver may sell the same before the expiration of the period herein-after mentioned, and the money raised by such sale, after defraying the expenses thereof, shall be held by the receiver for the same purposes and subject to the same claims for and to which the article sold would have been held and liable if it had remained unsold.

In cases where any lord of the manor or other person is en-

454. In cases where any admiral, vice-admiral, lord of the manor, or other person is entitled for his own use to unclaimed wreck found on any place situate within a district for which a

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Appointment and Duties of Receivers.

receiver is appointed, such admiral, vice-admiral, lord of the manor, or other person shall deliver to such receiver a statement containing the particulars of his title, and the address to which notices are to be sent; and upon such statement being so delivered, and proof made to the satisfaction of the receiver of the validity of such title, it shall be his duty, whenever he takes possession of any wreck found at any such place, to send within forty-eight hours thereafter a description of the same and of any marks by which it is distinguished, directed to such address as aforesaid.

titled to unclaimed wreck, receiver to give notice to him.

Payments to be made to receiver.

455. There shall be paid to all receivers appointed under this Act the expenses properly incurred by them in the performance of their duties, and also in respect of the several matters specified in the table marked V. in the schedule hereto, such fees, not exceeding the amounts therein mentioned, as may from time to time be directed by the Board of Trade; and the receiver shall have the same lien and be entitled to the same remedies for the recovery of such expenses and fees as a salvor has or is entitled to in respect of salvage due to him; but, save as aforesaid, no receiver appointed under this Act shall, as such, be entitled to any remuneration whatsoever.

Disputes as to sums payable to receiver to be determined by Board of Trade.

456. Whenever any dispute arises in any part of the United Kingdom as to the amount payable to any receiver in respect of expenses or fees, such dispute shall be determined by the Board of Trade, whose decision shall be final.

Application of fees.

457. All fees received by any receiver appointed under this Act, in respect of any services performed by him as receiver, shall be carried to and form part of the mercantile marine fund, and a separate account thereof shall be kept, and the monies arising therefrom shall be applied in defraying any expenses duly incurred in carrying into effect the purposes of the eighth part of this Act, in such manner as the Board of Trade directs.

Salvage by H.M. Ships.

Salvage by Her Majesty's Ships.

No claim for salvage services to be allowed in respect of loss or risk of her Majesty's ships or property.

484. In cases where salvage services are rendered by any ship belonging to her Majesty or by the commander or crew thereof, no claim shall be made or allowed for any loss, damage, or risk thereby caused to such ship, or to the stores, tackle, or furniture thereof, or for the use of any stores or other articles belonging to her Majesty supplied in order to effect such services, or for any other expense or loss sustained by her Majesty by reason of such services.

Claims for salvage by her Majesty's officers not to be determined without consent of Admiralty.

485. No claim whatever on account of any salvage services rendered to any ship or cargo or to any appurtenances of any ship by the commander or crew or part of the crew of any of her Majesty's ships shall be finally adjudicated upon unless the consent of the Admiralty has first been obtained, such consent to be

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signified by writing under the hand of the secretary to the Admiralty, and if any person who has originated proceedings in respect of any such claim fails to prove such consent to the satisfaction of the court, his suit shall stand dismissed, and he shall pay all the costs of such proceedings; provided that any document purporting to give such consent and to be signed by the secretary to the Admiralty shall be primâ facie evidence of such consent having been given.

Salvage by H.M. Ships.

486. Whenever services for which salvage is claimed are rendered to any ship or cargo, or to any part of any ship or cargo, or to any appurtenances of any ship, at any place out of the United Kingdom and the four seas adjoining thereto, by the commander or crew or part of the crew of any of her Majesty's ships, the property alleged to be salved shall, if the salvor is justified by the circumstances of the case in detaining it at all, be taken to some port where there is either a consular officer or a vice-admiralty court; and within twenty-four hours after arriving at such port the said salvor and the master or other person in charge of the property alleged to be salved shall each deliver to the consular officer or vice-admiralty judge there a statement verified on oath, specifying, so far as they respectively can, and so far as the particulars required apply to the case,

Steps to be taken when salvage services have been rendered by her Majesty's ships abroad.

(1.) The place, condition, and circumstances in which the said ship, cargo, or property was at the time when the services were rendered for which salvage is claimed:

(2.) The nature and duration of the services rendered:

And the salvor shall add to his statement,

(3.) The proportion of the value of the said ship, cargo, and property, and of the freight which he claims for salvage, or the values at which he estimates the said ship, freight, cargo, and property respectively, and the several amounts that he claims for salvage in respect of the same:

(4.) Any other circumstances he thinks relevant to the said claim:

And the said master or other person in charge of the said ship, cargo, or property shall add to his statement,

(3.) A copy of the certificate of registry of the said ship, and of the indorsements thereon, stating any change which (to his knowledge or belief) has occurred in the particulars contained in such certificate; and stating also, to the best of his knowledge and belief, the state of the title to the ship for the time being, and of the incumbrances and certificates of mortgage or sale, if any, affecting the same, and the names and places of business of the owners and incumbrancers:

(4.) The name and place of business or residence of the freighter (if any) of the said ship, and the freight to be paid for the voyage she is then on:

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Salvage by H.M. Ships.

(5.) A general account of the quantity and nature of the cargo at the time the salvage services were rendered:

(6.) The name and place of business or residence of the owner of such cargo and of the consignee thereof:

(7.) The values at which the said master estimates the said ship, cargo, and property, and the freight respectively, or, if he thinks fit, in lieu of such estimated value of the cargo, a copy of the ship's manifest:

(8.) The amounts which the master thinks should be paid as salvage for the services rendered:

(9.) An accurate list of the property saved in cases where the ship is not saved:

(10.) An account of the proceeds of the sale of the said ship, cargo, or property, in cases where the same or any of them are sold at such port as aforesaid:

(11.) The number, capacities, and condition of the crew of the said ship at the time the said services were rendered:

(12.) Any other circumstances he thinks relevant to the matters in question:

(13.) A statement of his willingness to execute a bond, in the form in the table marked W. in the schedule hereto, in such amount as the said consular officer or vice-admiralty judge may fix.

Consular officer or judge to fix amount for which a bond is to be given.

487. The said consular officer or judge, as the case may be, shall within four days after receiving the aforesaid statements fix the amount to be inserted in the said bond at such sum as he thinks sufficient to answer the demand for the salvage services rendered; but such sum shall not exceed one half of the value which in his estimation the said ship, freight, and cargo, or any parts thereof in respect of which salvage is claimed, are worth; and the said consular officer or judge may, if either of the aforesaid statements is not delivered to him within the time hereby required, proceed ex parte, but he shall in no case under this Act require the cargo to be unladen; and the said consular officer may in any proceeding under this Act relating to salvage take affidavits and receive affirmations.

On master executing bond, the right of detention to cease.

488. The said consular officer or judge shall send notice of the sum which he has so fixed as aforesaid to the said salvor and the said master; and upon such master executing a bond in such form as aforesaid, with the said sum inserted therein, in the presence of the said officer or judge (who shall attest the same), and delivering the same to the said salvor, the right of the said salvor to detain or retain possession of the said ship, cargo, or property, or any of them, in respect of the said salvage claim, shall cease.

Provision for additional security in the

489. If the ship, cargo, or property in respect of which the claim for salvage is made is not owned by persons domiciled in

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her Majesty's dominions, the right of the salvor to detain or retain possession thereof shall not cease unless the master procures, in addition to the said bond, such security for the due performance of the conditions thereof as the said officer or judge considers sufficient for the purpose, and places the same in the possession or custody of the said officer or judge, or, if the salvor so desires, in the possession or custody of the said officer or judge jointly with any other person whom the said salvor appoints for the purpose.

Salvage by H.M. Ships.

case of ships owned by persons resident out of her Majesty's dominions.

490. The said consular officer or judge shall at the earliest opportunity transmit the said statements and documents so sent to him as aforesaid, and a notice of the sum he has so fixed as aforesaid, to the High Court of Admiralty of England, or if the said salvor and the said master or other person in charge as aforesaid agree that the said bond shall be adjudicated upon by any vice-admiralty court, to such court.

Documents to be sent to England.

491. The said bond shall bind the respective owners of the said ship, freight, and cargo, and their respective heirs, executors, and administrators, for the salvage adjudged to be payable in respect of the said ship, freight, and cargo respectively.

Whom the bond shall bind.

492. The said bond shall be adjudicated on and enforced by the High Court of Admiralty in England, or if the said salvor and master at the time of the execution of the said bond agree upon any vice-admiralty court, then by such vice-admiralty court; and any such vice-admiralty court may in every proceeding under this Act have and exercise all powers and authorities whatsoever which the said High Court of Admiralty now has or at any time may have in any proceeding whatsoever before it; and in cases where any security for the due performance of the conditions of the said bond has been placed in the possession or custody of the said consular officer or vice-admiralty judge or of such officer or judge jointly with any other person, the person or persons having the custody of such security shall respectively deal with the same in such manner as the court that adjudicates on the bond directs.

Court in which it is to be adjudicated on.

493. The said High Court of Admiralty shall have power to enforce any bond given in pursuance of this Act in any vice-admiralty court in any part of her Majesty's dominions; and all courts in Scotland, Ireland, and the islands of Jersey, Guernsey, Alderney, Sark, and Man exercising Admiralty jurisdiction shall, upon application, aid and assist the High Court of Admiralty in enforcing the said bonds.

Power of High Court of Admiralty to enforce bonds.

494. Any such salvor as aforesaid of any ship, cargo, or property who elects not to proceed under this Act shall have no power to detain the said ship, cargo, or property, but may proceed otherwise for the enforcement of his salvage claim as if this Act had not been passed; and nothing in this Act contained shall abridge or affect the rights of salvors, except in the cases by it provided for.

Saving clause.

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Salvage by H.M. Ships.

Document free from duty.

495. All bonds, statements, agreements, and other documents made or executed in pursuance of the eighth part of this Act shall, if so made or executed out of the United Kingdom, be exempt from stamp duty.

Punishment for forgery and false representations.

496. Every person who, in any proceeding under provisions contained in the eighth part of this Act relating to salvage by her Majesty's ships, forges, assists in forging, or procures to be forged, fraudulently alters, assists in fraudulently altering, or procures to be fraudulently altered, any document, and every person who in any such proceeding puts off or makes use of any such forged or altered document knowing the same to be so forged or altered, or who in any such proceeding gives or makes, or assists in giving or making, or procures to be given or made, any false evidence or representation, knowing the same to be false, shall be punishable with imprisonment, with or without hard labour, for any period not exceeding two years, or if summarily prosecuted and convicted, by imprisonment, with or without hard labour, for any period not exceeding six months.

Salvage (General).

Salvage (General).

Voluntary agreement may be made which shall have the same effect as the bond above mentioned.

497. Whenever services for which salvage is claimed are rendered either by the commander or crew or part of the crew of any of her Majesty's ships, or of any other ship, and the salvor voluntarily agrees to abandon his lien upon the ship, cargo, and property alleged to be salved, upon the master or other person in charge thereof entering into a written agreement attested by two witnesses to abide the decision of the said High Court of Admiralty or of any vice-admiralty court, and thereby giving security in that behalf to such amount as may be agreed on by the parties to the said agreement, such agreement shall bind the said ship and the said cargo and the freight payable therefor respectively, and the respective owners of the said ship, freight, and cargo for the time being, and their respective heirs, executors, and administrators, for the salvage which may be adjudged to be payable in respect of the said ship, cargo, and freight respectively to the extent of the security so given as aforesaid, and may be adjudicated upon and enforced in the same manner as the bonds provided for by the eighth part of this Act, in the case of detention for salvage services rendered by her Majesty's ships; and upon such agreement being made the salvor and the master or other person in charge as aforesaid shall respectively make such statements as are herein-before required to be made by them in case of a bond being given, except that such statements need not be made upon oath; and the salvor shall, as soon as practicable, transmit the said agreement and the said statements to the court in which the said agreement is to be adjudicated upon.

Powers for courts having Admiralty jurisdiction

498. Whenever the aggregate amount of salvage payable in respect of salvage services rendered in the United Kingdom has been finally ascertained, and exceeds two hundred pounds, and

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whenever the aggregate amount of salvage payable in respect of salvage services rendered elsewhere has been finally ascertained, whatever such amount may be, then if any delay or dispute arises as to the apportionment thereof, any court having Admiralty jurisdiction may cause the same to be apportioned amongst the persons entitled thereto in such manner as it thinks just, and may for that purpose, if it thinks fit, appoint any person to carry such apportionment into effect, and may compel any person in whose hands or under whose control such amount may be to distribute the same, or to bring the same into court, to be there dealt with as the court may direct, and may for the purposes aforesaid issue such monitions or other processes as it thinks fit.

to apportion salvage.

Miscellaneous.

499. All wreck, being foreign goods brought or coming into the United Kingdom or the Isle of Man, shall be subject to the same duties as if the same were imported into the United Kingdom or the Isle of Man respectively; and if any question arises as to the origin of such goods, they shall be deemed to be the produce of such country as the commissioners of customs may upon investigation determine.

Foreign goods found derelict to be subject to the same duties as on importation.

500. The commissioners of customs and excise shall permit all goods, wares, and merchandise saved from any ship stranded or wrecked on its homeward voyage to be forwarded to the port of its original destination, and all goods, wares, and merchandise saved from any ship stranded or wrecked on its outward voyage to be returned to the port at which the same were shipped; but such commissioners are to take security for the due protection of the revenue in respect of such goods, wares, and merchandise.

Goods saved from ships wrecked to be forwarded to the ports of their original destination.

501. All matters and things that may in pursuance of the eighth part of this Act be done by or to any justice, or any two justices, may in Scotland be done also by or to the sheriff of the county, including the sheriff substitute; and the expression "lord or lady of a manor" shall in the eighth part of this Act, so far as regards Scotland, include "heritable proprietor "duly infeft."

Provision as to certain terms in Scotland.

PART X.(1)

LEGAL PROCEDURE.

Application.

517. The tenth part of this Act shall in all cases, where no particular country is mentioned, apply to the whole of her Majesty's dominions.

Application of Part X. of the Act.

(1) *See*, as to Part X., 18 & 19 Vict. c. 91. s. 21., p. 238, *post*. This part, and the enactments amending the same, are incorporated by the Submarine Telegraph Act, 1885 (48 & 49 Vict. c. 49.), s. 7., *post*.

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Legal Procedure (General).

Legal Procedure (General).

Punishment of offences, and recovery of penalties.

518. In all places within her Majesty's dominions, except Scotland, the offences herein-after mentioned shall be punished and penalties recovered in manner following; (that is to say,)

(1.) Every offence by this Act declared to be a misdemeanor(1) shall be punishable by fine or imprisonment with or without hard labour, and the court before which such offence is tried may in England make the same allowances and order payment of the same costs and expenses as if such misdemeanor had been enumerated in the Act passed in the seventh year of his late Majesty King George the Fourth, chapter sixty-four, or any other Act that may be passed for the like purpose, and may in any other part of her Majesty's dominions make such allowances and order payment of such costs and expenses (if any) as are payable or allowable upon the trial of any misdemeanor under any existing Act or ordinance, or as may be payable or allowable under any Act or law for the time being in force therein:

7 Geo. 4. c. 64.

(2.) Every offence declared by this Act to be a misdemeanor shall also be deemed to be an offence hereby made punishable by imprisonment for any period not exceeding six months, with or without hard labour, or by a penalty not exceeding one hundred pounds, and may be prosecuted accordingly in a summary manner, instead of being prosecuted as a misdemeanor:

(3.) Every offence hereby made punishable by imprisonment for any period not exceeding six months, with or without hard labour, or by any penalty not exceeding one hundred pounds, shall in England and Ireland be prosecuted summarily before any two or more justices,(2) as to England in the manner directed by the Act of the eleventh and twelfth years of the reign of her Majesty Queen Victoria, chapter forty-three, and as to Ireland in the manner directed by the Act of the fourteenth and fifteenth years of the reign of her Majesty Queen Victoria, chapter ninety-three, or in such other manner as may be directed by any Act or Acts that may be passed for like purposes: And all provisions contained in the said Acts shall be applicable to such prosecutions in the same manner as if the offences in respect of which the same are instituted were hereby stated to be offences in respect of which two or more justices have power to convict summarily or to make a summary order:

(4.) In all cases of summary convictions in England, where the sum adjudged to be paid exceeds five pounds, or the

(1) Applied by the Chinese Passengers Act, 1855 (18 & 19 Vict. c. 104.), s. 13., p. 241, *post*.

(2) *See*, in connexion with this provision, s. 260., p. 208, *ante*; and 18 & 19 Vict. c. 91. s. 18., p. 238, *post*.

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period of imprisonment adjudged exceeds one month, any person who thinks himself aggrieved by such conviction may appeal to the next court of general or quarter sessions [(1)which is holden not less than twelve days after the day of such conviction for the county, city, borough, liberty, riding, division, or place wherein the case has been tried; provided that such person shall give to the complainant a notice in writing of such appeal, and of the cause and matter thereof, within three days after such conviction, and seven clear days at the least before such sessions, and shall also either remain in custody until the sessions, or enter into a recognizance, with two sufficient sureties, before a justice of the peace, conditioned personally to appear at the said sessions, and to try such appeal, and to abide the judgment of the court thereupon, and to pay such costs as shall be by the court awarded; and upon such notice being given, and such recognizance being entered into, the justice before whom the same shall be entered into shall liberate such person, if in custody; and the court at such sessions shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs to either party, as to the court shall seem meet, and in case of the dismissal of the appeal, or the affirmance of the conviction, shall order and adjudge the offender to be punished according to the conviction, and to pay such costs as may be awarded, and shall, if necessary, issue process for enforcing such judgment:]

(5.) All offences under this Act shall in any British possession be punishable in any court or by any justice of the peace or magistrate in which or by whom offences of a like character are ordinarily punishable, or in such other manner, or by such other courts, justices, or magistrates, as may from time to time be determined by any Act or ordinance duly made in such possession in such manner as Acts and ordinances in such possession are required to be made in order to have the force of law.

Stipendiary magistrate to have same power as two justices.

519. Any stipendiary magistrate shall have full power to do alone whatever two justices of the peace are by this Act authorized to do.

Offence where deemed to have been committed.

520. For the purpose of giving jurisdiction under this Act, every offence shall be deemed to have been committed, and every cause of complaint to have arisen, either in the place in which the same actually was committed or arose, or in any place in which the offender or person complained against may be.

Jurisdiction over ships lying off the coasts.

521. In all cases where any district within which any court or justice of the peace or other magistrate has jurisdiction, either under this Act or under any other Act or at common law, for

(1) The words within brackets are repealed as to England, 47 & 48 Vict. c. 43. s. 4.

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Legal Procedure (General).

any purpose whatever, is situate on the coast of any sea, or abutting on or projecting into any bay, channel, lake, river, or other navigable water, every such court, justice of the peace, or magistrate shall have jurisdiction over any ship or boat being on or lying or passing off such coast, or being in or near such bay, channel, lake, river, or navigable water as aforesaid, and over all persons on board such ship or boat or for the time being belonging thereto, in the same manner as if such ship, boat, or persons were within the limits of the original jurisdiction of such court, justice, or magistrate.

Service to be good if made personally, or on board ship.

522. Service of any summons or other matter in any legal proceeding under this Act shall be good service, if made personally on the person to be served, or at his last place of abode, or if made by leaving such summons for him on board any ship to which he may belong with the person being or appearing to be in command or charge of such ship.

Sums ordered to be paid leviable by distress on ship.

523. In all cases where any court, justice or justices of the peace, or other magistrate, has or have power to make an order directing payment to be made of any seaman's wages, penalties, or other sums of money, then, if the party so directed to pay the same is the master or owner of a ship, and the same is not paid at the time and in manner prescribed in the order, the court, justice or justices, or other magistrate, who made the order, may, in addition to any other powers they or he may have for the purpose of compelling payment, direct the amount remaining unpaid to be levied by distress or poinding and sale of the said ship, her tackle, furniture, and apparel.

Application of penalties.

524. Any court, justice, or magistrate imposing any penalty under this Act, for which no specific application is herein provided, may, if it or he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any wrong or damage which he may have sustained by the act or default in respect of which such penalty is imposed, or to be applied in or towards payment of the expenses of the proceedings; and, subject to such directions or specific application as aforesaid, all penalties recovered in the United Kingdom shall be paid into the receipt of her Majesty's Exchequer in such manner as the Treasury may direct, and shall be carried to and form part of the consolidated fund of the United Kingdom; and all penalties recovered in any British possession shall be paid over into the public treasury of such possession, and form part of the public revenue thereof.

Limitation of time in summary proceedings.

525. The time for instituting summary proceedings under this Act shall be limited as follows; (that is to say,)

(1.) No conviction for any offence shall be made under this Act in any summary proceeding instituted in the United Kingdom, unless such proceeding is commenced within six months after the commission of the offence; or, if both or either of the parties to such proceeding happen

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during such time to be out of the United Kingdom, unless the same is commenced within two months after they both first happen to arrive or to be at one time within the same:

(2.) No conviction for any offence shall be made under this Act in any proceeding instituted in any British possession, unless such proceeding is commenced within six months after the commission of the offence; or, if both or either of the parties to the proceeding happen during such time not to be within the jurisdiction of any court capable of dealing with the case, unless the same is commenced within two months after they both first happen to arrive or to be at one time within such jurisdiction:

(3.) No order for the payment of money shall be made under this Act in any summary proceeding instituted in the United Kingdom, unless such proceeding is commenced within six months after the cause of complaint arises; or, if both or either of the parties happen during such time to be out of the United Kingdom, unless the same is commenced within six months after they both first happen to arrive or to be at one time within the same:

(4.) No order for the payment of money shall be made under this Act in any summary proceeding instituted in any British possession, unless such proceeding is commenced within six months after the cause of complaint arises; or, if both or either of the parties to the proceeding happen during such time not to be within the jurisdiction of any court capable of dealing with the case, unless the same is commenced within six months after they both first happen to arrive or be at one time within such jurisdiction:

And no provision contained in any other Act or Acts, ordinance or ordinances, for limiting the time within which summary proceedings may be instituted shall affect any summary proceeding under this Act.

Document proved without calling attesting witness.

526. Any document required by this Act to be executed in the presence of or to be attested by any witness or witnesses, may be proved by the evidence of any person who is able to bear witness to the requisite facts, without calling the attesting witness or witnesses or any of them.

Power of judge of court of record or Admiralty to arrest foreign ship that has occasioned damage.

527. Whenever any injury has, in any part of the world, been caused to any property belonging to her Majesty or to any of her Majesty's subjects by any foreign ship, if at any time thereafter such ship is found in any port or river of the United Kingdom or within three miles of the coast thereof, it shall be lawful for the judge of any court of record in the United Kingdom, or for the judge of the High Court of Admiralty, or in Scotland the Court of Session, or the sheriff of the county within whose jurisdiction such ship may be, upon its being shown

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Legal Procedure (General).

to him by any person applying summarily that such injury was probably caused by the misconduct or want of skill of the master or mariners of such ship, to issue an order directed to any officer of customs or other officer named by such judge, requiring him to detain such ship until such time as the owner, master, or consignee thereof has made satisfaction in respect of such injury, or has given security, to be approved by the judge, to abide the event of any action, suit, or other legal proceeding that may be instituted in respect of such injury, and to pay all costs and damages that may be awarded thereon; and any officer of customs or other officer to whom such order is directed shall detain such ship accordingly.

Power in certain cases to detain ship before application made to judge.

528. In any case where it appears that before any application can be made under the foregoing section such foreign ship will have departed beyond the limits therein mentioned, it shall be lawful for any commissioned officer on full pay in the military or naval service of her Majesty, or any British officer of customs, or any British consular officer, to detain such ship until such time as will allow such application to be made and the result thereof to be communicated to him; and no such officer shall be liable for any costs or damages in respect of such detention unless the same is proved to have been made without reasonable grounds.

Who to be defendant to suit in such cases.

529. In any action, suit, or other proceeding in relation to such injury, the person so giving security as aforesaid shall be made defendant or defender, and shall be stated to be the owner of the ship that has occasioned such damage; and the production of the order of the judge made in relation to such security shall be conclusive evidence of the liability of such defendant or defender to such action, suit, or other proceeding.

Legal Procedure (Scotland).

Legal Procedure (Scotland).

Offences punishable as misdemeanors.

530. In Scotland every offence which by this Act is described as a felony or misdemeanor may be prosecuted by indictment or criminal letters at the instance of her Majesty's advocate before the High Court of Justiciary, or by criminal libel at the instance of the procurator fiscal of the county before the sheriff, and shall be punishable with fine and with imprisonment, with or without hard labour in default of payment, or with imprisonment, with or without hard labour, or with both, as the court may think fit, or in the case of felony with penal servitude, where the court is competent thereto; and such court may also, if it think fit, order payment by the offender of the costs and expenses of the prosecution.

Summary proceedings.

531. In Scotland, all prosecutions, complaints, actions, or proceedings under this Act, other than prosecutions for felonies or misdemeanors, may be brought in a summary form before the sheriff of the county, or before any two justices of the peace of the county or burgh where the cause of such prosecution or action arises, or where the offender or defender may be for the

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time, and when of a criminal nature or for penalties, at the instance of the procurator fiscal of court, or at the instance of any party aggrieved, with concurrence of the procurator fiscal of court; and the court may, if it think fit, order payment by the offender or defender of the costs of the prosecution or action.

Form of complaint.

532. In Scotland, all prosecutions, complaints, actions, or other proceedings under this Act may be brought either in a written or printed form, or partly written and partly printed, and where such proceedings are brought in a summary form it shall not be necessary in the complaint to recite or set forth the clause or clauses of the Act on which such proceeding is founded, but it shall be sufficient to specify or refer to such clause or clauses, and to set forth shortly the cause of complaint or action, and the remedy sought; and when such complaint or action is brought in whole or in part for the enforcement of a pecuniary debt or demand, the complaint may contain a prayer for warrant to arrest upon the dependence.

Mode of requiring appearance of defender and witnesses.

533. In Scotland, on any complaint or other proceeding brought in a summary form under this Act being presented to the sheriff clerk or clerk of the peace, he shall grant warrant to cite the defender to appear personally before the said sheriff or justices of the peace on a day fixed, and at the same time shall appoint a copy of the same to be delivered to him by a sheriff officer or constable, as the case may be, along with the citation; and such deliverance shall also contain a warrant for citing witnesses and havers to compear at the same time and place to give evidence and produce such writs as may be specified in their citation; and where such warrant has been prayed for in the complaint or other proceeding, the deliverance of the sheriff clerk or clerk of the peace shall also contain warrant to arrest upon the dependence in common form: Provided always, that where the apprehension of any party, with or without a warrant, is authorized by this Act, such party may be detained in custody until he can be brought at the earliest opportunity before any two justices, or the sheriff who may have jurisdiction in the place, to be dealt with as this Act directs, and no citation or inducise shall in such case be necessary.

Backing arrestments.

534. When it becomes necessary to execute such arrestment on the dependence against goods or effects of the defender within Scotland, but not locally situated within the jurisdiction of the sheriff or justices of the peace by whom the warrant to arrest has been granted, it shall be competent to carry the warrant into execution on its being indorsed by the sheriff clerk or clerk of the peace of the county or burgh respectively within which such warrant comes to be executed.

Compelling attendance of witnesses.

535. In all proceedings under this Act in Scotland the sheriff or justices of the peace shall have the same power of compelling attendance of witnesses and havers as in cases falling under their ordinary jurisdiction.

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Proceedings to be vivâ voce.

536. The whole procedure in cases brought in a summary form before the sheriff or justices of the peace in Scotland shall be conducted vivâ voce, without written pleadings, and without taking down the evidence in writing, and no record shall be kept of the proceedings other than the complaint, and the sentence or decree pronounced thereon.

Power to adjourn.

537. It shall be in the power of the sheriff or justices of the peace in Scotland to adjourn the proceedings from time to time to any day or days to be fixed by them, in the event of absence of witnesses or of any other cause which shall appear to them to render such adjournment necessary.

Sentence to be in writing.

Imprisonment to be inflicted in default of payment.

538. In Scotland all sentences and decrees to be pronounced by the sheriff or justices of the peace upon such summary complaints shall be in writing; and where there is a decree for payment of any sum or sums of money against a defender, such decree shall contain warrant for arrestment, poinding, and imprisonment in default of payment, such arrestment, poinding, or imprisonment to be carried into effect by sheriffs officers or constables, as the case may be, in the same manner as in cases arising under the ordinary jurisdiction in the sheriff or justices: Provided always, that nothing herein contained shall be taken or construed to repeal or affect an Act of the fifth and sixth years of William the Fourth, intituled "An Act for abolishing, "in Scotland, imprisonment for civil debts of small amount."

5 & 6 Will. 4. c. 70.

Sentence and penalties in default of defender's appearance.

539. In all summary complaints and proceedings for recovery of any penalty or sum of money in Scotland, if a defender who has been duly cited shall not appear at the time and place required by the citation, he shall be held as confessed, and sentence or decree shall be pronounced against him in terms of the complaint, with such costs and expenses as to the court shall seem fit: Provided always, that he shall be entitled to obtain himself reponed against any such decree at any time before the same be fully implemented, by lodging with the clerk of court a reponing note, and consigning in his hands the sum decerned for, and the costs which had been awarded by the court, and on the same day delivering or transmitting through the post to the pursuer or his agent a copy of such reponing note; and a certificate by the clerk of court of such note having been lodged shall operate as a sist of diligence till the cause shall have been reheard and finally disposed of, which shall be on the next sitting of the court, or on any day to which the court shall then adjourn it.

Warrant to apprehend in default of appearance.

540. In all summary complaints or other proceedings not brought for the recovery of any penalty or sum of money in Scotland, if a defender, being duly cited, shall fail to appear, the sheriff or justices may grant warrant to apprehend and bring him before the court.

Backing sentences or decrees.

541. In all cases where sentences or decrees of the sheriff or justices require to be enforced within Scotland, but beyond the

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jurisdiction of the sheriff or justices by whom such sentences or decrees have been pronounced, it shall be competent to carry the same into execution upon the same being indorsed by the sheriff clerk or clerk of the peace of the county or burgh within which such execution is to take place.

Orders not to be quashed for want of form; and to be final.

542. No order, decree, or sentence pronounced by any sheriff or justice of the peace in Scotland under the authority of this Act shall be quashed or vacated for any misnomer, informality, or defect of form; and all orders, decrees, and sentences so pronounced shall be final and conclusive, and not subject to suspension, advocation, reduction, or to any form of review or stay of execution, except on the ground of corruption or malice on the part of the sheriff or justices, in which case the suspension, advocation, or reduction must be brought within fourteen days of the date of the order, decree, or sentence complained of: Provided always, that no stay of execution shall be competent to the effect of preventing immediate execution of such order, decree, or sentence.

General rules, so far as applicable, to extend to penalties and proceedings in Scotland.

543. Such of the general provisions with respect to jurisdiction, procedure, and penalties contained in this Act as are not inconsistent with the special rules herein-before laid down for the conduct of legal proceedings and the recovery of penalties in Scotland, shall, so far as the same are applicable, extend to such last-mentioned proceedings and penalties: Provided always, that nothing in this Act contained shall be held in any way to annul or restrict the common law of Scotland with regard to the prosecution or punishment of offences at the instance or by the direction of the lord advocate, or the rights of owners or creditors in regard to enforcing a judicial sale of any ship and tackle, or to give to the High Court of Admiralty of England any jurisdiction in respect of salvage in Scotland which it has not heretofore had or exercised.

TABLE W. (See Section 486.) (1)

SALVAGE BOND.

[*N.B.—Any of the particulars not known, or not required, by reason of the claim being only against the cargo, &c., may be omitted.*]

WHEREAS certain salvage services are alleged to have been rendered by the ship [insert names of ship and of commander], commander, to the merchant ship [insert names of ship and master], master, belonging to [name and place of business or residence of owner of ship], freighted by [the same of the freighter], and to the cargo therein, consisting of [state very shortly the descriptions and quantities of the goods, and the names and addresses of their owners and consignees]:

(1) *See* p. 224, *ante*.

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And whereas the said ship and cargo have been brought into the port of [insert name and situation of port], and a statement of the salvage claim has been sent to [insert the name of the consular officer or vice-admiralty judge, and of the office he fills], and he has fixed the amount to be inserted in this bond at the sum of [state the sum]:

Now I, the said [master's name], do hereby, in pursuance of the Merchant Shipping Act, 1854, bind the several owners for the time being of the said ship and of the cargo therein and of the freight payable in respect of such cargo, and their respective heirs, executors, and administrators, to pay among them such sum not exceeding the said sum of [state the sum fixed], in such proportions and to such persons as [if the parties agree on any other court, substitute the name of it here], the High Court of Admiralty in England shall adjudge to be payable as salvage for the services so alleged to have been rendered as aforesaid.

In witness whereof I have hereunto set my hand and seal, this [insert the date] day of

Signed, sealed, and delivered, by the said [master's name].
(L.S.)

In the presence of [name of consular officer or vice-admiralty judge, and of the office he fills].

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18 & 19 Victoria.—A.D. 1855.

CAP. XCI.

An Act to facilitate the Erection and Maintenance of Colonial Lighthouses, and otherwise to amend the Merchant Shipping Act, 1854. [14th August 1855.]

WHEREAS it is expedient to make provision for facilitating the erection and maintenance of lighthouses in the British possessions abroad, and otherwise to amend the Merchant Shipping Act, 1854: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title of Act. 17 & 18 Vict. c. 104.

1. This Act may be cited as "The Merchant Shipping Act Amendment Act, 1855," and shall be taken to be part of the Merchant Shipping Act, 1854, and shall be construed accordingly.

Registry of Ships.

Ships measured under Rule II. may

14. The owner of any ship which is measured under Rule II.(1) contained in the twenty-second section of the Merchant Shipping Act, 1854, may at any subsequent period apply to the commis-

(1) 17 & 18 Vict. c. 104. s. 22., p. 169, *ante*.

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sioners of customs(1) to have the said ship remeasured under Rule I.(2) contained in the twenty-first section of the same Act, and the said commissioners may thereupon, and upon payment of such fee not exceeding seven shillings and sixpence for each transverse section as they may authorize, direct the said ship to be remeasured accordingly, and the number denoting the register tonnage shall be altered accordingly.

be measured under Rule I. 17 & 18 Vict. c. 104. ss. 21 and 22.

15. The copy(3) or transcript of the register of any British ship which is kept by the chief registrar of shipping at the custom house in London, or by the registrar general of seamen, under the direction of her Majesty's commissioners of customs or of the Board of Trade, shall have the same effect to all intents and purposes as the original register of which the same is a copy or transcript.

General register books in London. 17 & 18 Vict. c. 104. s. 107.

Masters and Seamen.

PART III. of Merchant Shipping Act, 1854.

16. The Board of Trade may issue instructions concerning the relief to be administered to distressed seamen and apprentices, in pursuance of the two hundred and eleventh and two hundred and twelfth sections(4) of the Merchant Shipping Act, 1854, and may by such instructions determine in what cases and under what circumstances and conditions such relief is to be administered; and all powers of recovering expenses incurred with respect to distressed seamen and apprentices, which by the two hundred and thirteenth section of the said Act are given to the Board of Trade, shall extend to all expenses incurred by any foreign government for the purposes aforesaid, and repaid to such government by her Majesty's government, and shall likewise extend to any expenses incurred by the conveying home such seamen or apprentices in foreign as well as British ships; and all provisions concerning the relief of distressed seamen and apprentices, being subjects of her Majesty, which are contained in the said sections of the said Act, and in this section, shall extend to such seamen and apprentices, not being subjects of her Majesty, as are reduced to distress in foreign parts by reason of their having been shipwrecked, discharged, or left behind from any British ship; subject nevertheless to such modifications and directions concerning the cases in which relief is to be given to such foreigners, and the country to which they are to be sent, as the Board of Trade may, under the circumstances, think fit to make and issue.

Extension of provisions concerning the relief of destitute seamen. 17 & 18 Vict. c. 104. ss. 211, 212, and 213.

17. The enactment of the Merchant Shipping Act, 1854, relating to savings banks(5) shall apply to all seamen, and to their wives and families, whether such seamen belong to the royal navy or to the merchant service, or to any other sea service.

Enactment concerning savings banks extended to seamen in the navy. 17 & 18 Vict. c. 104. s. 180.

(1) Read "Board of Trade" instead of "commissioners of customs," 35 & 36 Vict. c. 73. s. 8.

(2) 17 & 18 Vict. c. 104. s. 21., p. 166, *ante*.

(3) *See* 17 & 18 Vict. c. 104. s. 107., p. 179, *ante*.

(4) *See* p. 193, *ante*.

(5) *See* 17 & 18 Vict. c. 104. s. 180., p. 182, *ante*; and compare the Naval Savings Banks Act, 1866, 29 & 30 Vict. c. 43., *post*.

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Additional powers of naval courts. 17 & 18 Vict. c. 104. ss. 260. to 266.

18. Any naval court(1) summoned, under the provisions of the Merchant Shipping Act, 1854, to hear any complaint touching the conduct of the master or any of the crew of any ship, shall, in addition to the powers given to it by the said Act, have power to try the said master or any of the said crew for any offences(2) against the Merchant Shipping Act, 1854, in respect of which two justices would, if the case were tried in the United Kingdom, have power to convict summarily, and by order duly made to inflict the same punishments for such offences which two justices might in the case aforesaid inflict upon summary conviction: Provided, that in cases where an offender is sentenced to imprisonment the sentence shall be confirmed in writing by the senior naval or consular officer present at the place where the court is held, and the place of imprisonment, whether on land or on board ship, shall be approved by him as a proper place for the purpose, and copies of all sentences made by any naval court summoned to hear any such complaint as aforesaid shall be sent to the commander-in-chief or senior naval officer of the station.

Legal Procedure.

PART X.(3) of Merchant Shipping Act, 1854.

Jurisdiction in case of offences on board ship. 12 & 13 Vict. c. 96.

21.(4) If any person, being a British subject, charged with having committed any crime or offence on board any British ship on the high seas or in any foreign port or harbour, or if any person, not being a British subject, charged with having committed any crime or offence on board any British ship on the high seas, is found within the jurisdiction of any court of justice in her Majesty's dominions which would have had cognizance of such crime or offence if committed within the limits of its ordinary jurisdiction, such court shall have jurisdiction to hear and try the case as if such crime or offence had been committed within such limits: Provided that nothing contained in this section shall be construed to alter or interfere with the Act of the thirteenth year of her present Majesty, chapter ninety-six.

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18 & 19 Victoria.—A.D. 1855.

CAP. CIV.

An Act for the Regulation of Chinese Passenger Ships.

[14th August 1855.]

WHEREAS abuses have occurred in conveying emigrants from ports in the Chinese seas: and whereas it is expedient to prevent such abuses: Be it enacted by the Queen's most

(1) *See* 17 & 18 Vict. c. 104. ss. 260–266., p. 208, *ante*; and also 43 & 44 Vict. c. 16. s. 8., *post*.

(2) With respect to the offences which come within this description, *see* 17 & 18 Vict. c. 104. s. 518., p. 228, *ante*.

(3) *See* Part X., pp. 227–235, *ante*.

(4) Incorporated by Submarine Telegraph Act, 1885 (48 & 49 Vict. c. 49.), s. 7., *post*.

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excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Definition of certain terms herein mentioned.

1. In the construction of this Act the term "Chinese passenger ship" shall include every ship carrying from any port in Hong Kong, and every British ship carrying from any port in China or within one hundred miles of the coast thereof, more than twenty passengers, being natives of Asia; the word "colony" shall include all her Majesty's possessions abroad not being under the government of the East India Company; the word "governor" shall signify the person for the time being lawfully administering the government of such colony; the term "legislature of Hong Kong" shall signify the governor and legislative council or other legislative authority of the same for the time being; the word "ship" shall include all sea-going vessels; the terms "commander" and "master" of any ship shall include any person for the time being in command or charge of the same; the term "emigration officer" shall include every person lawfully acting as emigration officer, immigration agent or protector of emigrants, and every person authorized by the governor of any British colony to carry out the provisions of this Act; and the term "British consul" shall include every person lawfully exercising consular authority on behalf of her Majesty in any foreign port.

Legislature of Hong Kong to make regulations respecting passenger ships, &c.

2. It shall be lawful for the legislature of Hong Kong, by any ordinance to be by them enacted for that purpose, to make regulations respecting Chinese passenger ships, and, in the case of British ships, respecting the treatment of the passengers therein while at sea, and until such enactment the regulations contained in schedule (A.) to this Act annexed shall be in force: Provided always, that no such ordinance shall come into operation until her Majesty's confirmation of the same shall have been proclaimed in Hong Kong by the governor thereof.

Governor of Hong Kong to declare length of voyages.

3. It shall be lawful for the governor of Hong Kong to declare, by proclamation, for the purposes of this Act and of the said regulations, what shall be deemed to be the duration of the voyage of any Chinese passenger ship, and by such proclamation to alter the scales of dietary, medicines, and medical comforts contained in the aforesaid schedule (A.)

No Chinese passenger ship to clear out on voyage of more than seven days without emigration officer's certificate and copy of regulations, nor until bond be given to Crown.

4. No Chinese passenger ship shall clear out or proceed to sea on any voyage of more than seven days duration until the master thereof shall have received from an emigration officer a copy of the aforesaid regulations, and a certificate in the form contained in schedule B. to this Act annexed, or in such other form as may be prescribed by the said legislature, which copy and certificate, with any documents to be attached thereto (herein-after designated as emigration papers), shall be signed by the said emigration officer, nor until the master shall, with two

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sufficient sureties, to be approved by the said emigration officer, have entered into a joint and several bond in the sum of one thousand pounds to her Majesty, her heirs and successors, in the form contained in schedule C. to this Act annexed, or in such other form as shall be prescribed by the said legislature.

Penalty of bond, when recoverable.

5. The said penal sum of one thousand pounds shall be due and recoverable notwithstanding any penalty or forfeiture imposed by this Act or by the aforesaid regulations, and whether such penalties or forfeitures shall have been sued for and recovered or not.

Commander of ships of war, &c. may search ships, or require production of papers.

6. It shall be lawful for the commander of any of her Majesty's ships of war, or for any emigration officer, custom house officer, or British consul, to enter and search any Chinese passenger ship (being a British vessel or within British jurisdiction) so long as such ship shall have any passengers on board, and for forty-eight hours afterwards, and in case such ship shall be engaged on a voyage of more than seven days duration, to require the production of the emigration papers of such ship, and to examine all persons on board of the same, in order to ascertain whether the provisions of this Act and of the regulations aforesaid have been complied with; and any person who refuses to allow, attempts to avoid, or obstructs any such entry, search, or examination, or who knowingly misleads or deceives any person lawfully making any such search or examination, or who, being the master of the ship or having the emigration papers in his custody, fails to produce the same when required as aforesaid, shall be deemed guilty of a misdemeanor.

Penalty for neglect to comply with regulations, &c.

7. In case of any neglect or refusal to comply with any of the provisions of this Act or any of the regulations aforesaid, or to perform any stipulation in any of the contracts made with the passengers, the master of the ship, and any other person who may have been guilty of or have aided or abetted such neglect or refusal, shall each be deemed for each offence guilty of a misdemeanor.

Ship to be forfeited for clearing without emigration papers, or for forgery of such papers.

8. If any Chinese passenger ship clears out or proceeds to sea on any voyage exceeding seven days in duration without such emigration papers as aforesaid, or if the emigration papers of any Chinese passenger ship are forged or fraudulently altered, such ship shall, if she is a British ship, or if, not being a British ship, the offence is committed and the ship is seized in her Majesty's dominions or in the territories of the East India Company, be forfeited to her Majesty.

Penalties in addition to forfeiture.

9. Every person who commits or aids or abets in committing any act or default by which any Chinese passenger ship may become liable to forfeiture shall be liable to a penalty not exceeding one hundred pounds for each offence.

Mode of enforcing forfeiture.

10. It shall be lawful for any commissioned officer on full pay in the military or naval service of her Majesty, or any British

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officer of customs, or any British consul, to seize and detain any ship which has become subject to forfeiture as aforesaid, and bring her for adjudication before the High Court of Admiralty in England or Ireland, or any court having Admiralty jurisdiction in her Majesty's dominions or in the territories of the East India Company, and such court may thereupon make such order in the case as it thinks fit, and may award such portion of the proceeds of the sale of any forfeited ship as it thinks right to the officer bringing in the same for adjudication, or to any persons damaged by the act or default which has rendered the ship liable to forfeiture.

Officer not liable for any seizure made on reasonable grounds.

11. No such officer as aforesaid shall be responsible, either civilly or criminally, to any person whomsoever, in respect of the seizure or detention of any ship that has been seized or detained by him in pursuance of the provisions herein contained, notwithstanding that such ship is not brought in for adjudication, or, if so brought in, is declared not to be liable to forfeiture, if it is shown to the satisfaction of the judge or court before whom any trial relating to such ship or such seizure or detention is held that there are reasonable grounds for such seizure or detention; but if no such grounds are shown, such judge or court may award payment of costs and damages to any party aggrieved, and make such other order in the premises as he or it thinks just.

Fine may be substituted for forfeiture.

12. It shall be lawful for the court before which any ship liable to forfeiture under this Act is proceeded against to impose such a pecuniary penalty as to the same court shall seem fit, in lieu of condemning the ship, and in such case to cause the ship to be detained until the penalty is paid, and to cause any penalty so imposed to be applied in the same manner in which the proceeds of the said ship, if condemned and sold by order of the court, would have been applicable.

Mode of procedure in criminal cases.

13. All misdemeanors and other criminal offences punishable under this Act shall be dealt with, tried, and judged of in the same manner as misdemeanors and other offences punishable under the Merchant Shipping Act, 1854,(1) and all the rules of law, practice, or evidence applicable to the last-mentioned misdemeanors and offences shall be applicable to misdemeanors and other offences under this Act.

Application of penalties.

14. Any court, justice, or magistrate imposing any penalty under this Act for which no specific application is herein provided may, if it or he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any wrong or damage which he may have sustained by the act or default in respect of which such penalty is imposed, or in or towards payment of the expenses of the proceedings; and, subject to

(1) *See* 17 & 18 Vict. c. 104. ss. 517–543., pp. 227–235, *ante*.

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such directions or specific application as aforesaid, all penalties recovered in the United Kingdom shall be paid into the receipt of her Majesty's Exchequer in such manner as the Treasury may direct, and shall be carried to and form part of the consolidated fund of the United Kingdom; and all penalties recovered in any British possession shall be paid over into the public treasury of such possession, and form part of the public revenue thereof.

Written declarations of commanders, &c. primâ facie evidence.

15. In any legal proceeding taken under this Act or in respect of the bond herein-before required any document purporting to be the written declaration of any British consul, or of the commander of any of her Majesty's ships of war, or to be a copy of the proceedings of any court of justice, shall, without any proof of signature, be received in evidence, in case it shall appear that such copy or declaration, if produced in the United Kingdom, was officially transmitted to one of her Majesty's principal secretaries of state, or, if produced in any colony, was officially transmitted to the governor thereof: Provided always, that no person making such written declaration as aforesaid shall be capable of receiving a share of any penalty or forfeiture which shall be procured by such written declaration.

Short title.

16. This Act may be cited for any purpose whatever under the name of the "Chinese Passengers Act, 1855."

SCHEDULE (A.)

REGULATIONS RESPECTING CHINESE PASSENGER SHIPS.

Note.—The wilful and fraudulent breach of any of these regulations by the person in charge of any Chinese passenger ship is punishable by forfeiture of the ship, and every person concerned in such breach is liable to a fine of one hundred pounds for each offence.

1. No Chinese passenger ship shall clear out or proceed to sea on any voyage of more than seven days duration without a certificate from an emigration officer; and such certificate shall be in the form provided by the Chinese Passenger Act, 1855.

2. No emigration officer shall be bound to give such certificate in respect of any Chinese passenger ship till seven days after receiving notice that the ship is to carry passengers, and of her destination, and of her proposed day of sailing, nor unless there are on board a surgeon and interpreter approved by such emigration officer.

3. After receiving such notice the emigration officer shall be at liberty at all times to enter and inspect the ship, and the fittings, provisions, and stores therein, and any person impeding him in such entry or inspection, or refusing to allow of the same, shall be liable to a fine of not more than one hundred pounds for each offence.

4. The emigration officer shall not give his certificate unless he shall be satisfied,—

(1.) That the ship is seaworthy, and properly manned, equipped, fitted, and ventilated; and has not on board any cargo likely, from its quality, quantity, or mode of stowage, to prejudice the health or safety of the passengers:

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(2.) That the space appropriated to the passengers in the 'tween decks contains at the least twelve superficial and seventy-two cubical feet of space for every adult on board; that is to say, for every passenger above twelve years of age, and for every two passengers between the ages of one year and twelve years:

(3.) That a space of five superficial feet per adult is left clear on the upper deck for the use of the passengers:

(4.) That provisions, fuel, and water have been placed on board, of good quality, properly packed, and sufficient to supply the passengers on board during the declared duration of the intended voyage, according to the following scale:

DIETARY SCALE.

Rice	lbs. 1½	per diem.
Salted provisions:—		
Wholly pork; or		
⅔ pork and ⅓ fish; or	„ ½	do.
½ pork, ¼ beef, and ¼ fish		
Salted vegetable or pickles	„ ½	do.
Water, imperial quarts	3	do.
Firewood	lbs. 2	do.
Tea	oz. ½	do.

(5.) That medicines and medical comforts have been placed on board according to the following scale:

SCALE OF MEDICINES AND MEDICAL COMFORTS:

For every 100 passengers, and in like proportion for any greater or less number.

Calomel	3 oz.	Senna leaves	8 oz.
Blue pill	2 „	Blistering plaister	8 „
Rhubarb powder	2 „	Sulphur, sublimed	10 „
Compound jalap powder	12 „	Sulphur ointment	12 „
Ipecacuanha powder	12 „	Linseed flour	4 lbs.
Opium	2 „	Country soap	24 oz.
Dover's powder	2 „	Castor oil	6 bottles.
Magnesia	2 „	Oil of peppermint	2 oz.
Epsom salts	6 lbs.	Adhesive plaister, spread	2 yards.
Chloride of lime	20 „	Simple ointment	16 oz.
Tartar emetic	4 drams.	Ringworm ointment	16 „
Quinine	2 oz.	Jeremie's opiate	2 oz. phial.
Antimonial powder	0½ „	Aromatic spirits of hartshorn	4 „
Extract of colocynth compound	1 „	Cholera pills in phial	12 drams.
Carbonate of ammonia	1⅓ „	Cubebs powder	4 lbs.
Assafœtida	1 „	Sweet spirits of nitre	16 oz.
Camphor	1¼ „	Copaiba	16 „
Camphorated liniment	16 „	Sulphate of copper	2 „
Catechu	2 „	Sulphate of zinc	1 „
Prepared chalk	2 „	Lunar caustic	4 drams.
Tincture of opium	8 „	Lime juice	36 quarts.
Turpentine	16 „	Rum or brandy	36 „

INSTRUMENTS, &c.

1 set of amputating and other surgical instruments (if there be any person on board competent to use them).	1 spatula.
1 one ounce glass measure.	1 dressing scissors.
1 minim glass measure.	1 infusion box.
1 pestle and mortar (Wedgewood).	1 quire of country paper.
1 set of weights and scales (grains in box).	1 penknife.
1 set of common splints.	2 metal bed pans.
1 set of bleeding lancets.	2 trusses for hernia, right and left.
1 silver catheter.	2 small syringes.
	4 ounces prepared lint.
	2 pieces cloth for bandages.

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5. The master of any Chinese passenger ship being a British ship and proceeding on a voyage of more than seven days duration shall, during the whole of the intended voyage, make issues of provisions, fuel, and water, according to the aforesaid dietary scale, and shall not make any alteration, except for the manifest advantage of the passengers, in respect of the space allotted to them as aforesaid, or in respect of the means of ventilation, and shall not ill-use the passengers or require them (except in case of necessity) to help in working the vessel; and shall issue medicines and medical comforts, as shall be requisite, to the best of his judgment, and shall call at such ports as may be mentioned in the emigration officer's clearing certificate for fresh water and other necessaries; and shall carry them without unnecessary delay to the destination to which they have contracted to proceed.

6. The emigration officer shall not give his certificate until he shall have mustered the passengers, and have ascertained to the best of his power that they understand whither they are going, and comprehend the nature of any contracts of service which they have made; he shall also take care that a copy of the form of such contracts, or an abstract of their substance, signed by himself, is appended to the said certificate: If any of the passengers are in bad health, or insufficiently provided with clothing, or if the contracts are unfair, or if there is reason to suspect that fraud or violence have been practised in their collection or embarkation, he may detain the ship, and, if he shall think fit, may order all or any of the passengers to be re-landed.

SCHEDULE (B.)

EMIGRATION OFFICER'S CERTIFICATE, &c.

I hereby authorize the Chinese passenger ship to proceed to sea for the port of in ; and I certify that the said ship can legally carry adults, and that there are on board passengers, making in all adults, viz., men, women, male children, and female children, such children being between the ages of one and twelve years; that the space set apart and to be kept clear for the use of such emigrants is as follows:—On the upper deck, superficial feet, being [here describe the space], and in the between decks superficial feet, being [here describe the space]; that the ship is properly manned and fitted, and that the means of ventilating the part of the between decks appropriated to passengers are as follows, [here describe the means of ventilation]; that the ship is furnished with a proper quantity of good provisions, fuel, and water for days issues to the passengers according to the *annexed dietary scale, and with a proper quantity of medicines, instruments, and medical comforts according to the *annexed scale of medical necessaries; that I have inspected the contracts between the emigrants and their intended employers (the terms of which are annexed to this certificate), and consider them reasonable; that no fraud appears

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to have been practised in collecting the emigrants; and that there are on board a surgeon †[and interpreter] approved by me, and designated [respectively and]

‡ [The master of the ship is to put into and for water and fresh vegetables.]

(Signed) ,

Emigration officer.

Dated this day of 18 .

* These scales must be those prescribed by the regulations in schedule A.

† In case the ship has been authorized to proceed without an interpreter omit the part between brackets, and add "and that the ship has been authorized to proceed without an interpreter."

‡ The part between brackets is to be inserted or not, as may be required.

SCHEDULE (C.)

FORM OF BOND TO BE GIVEN BY THE MASTERS OF CHINESE PASSENGER SHIPS.

Know all men by these presents, that we are held and firmly bound unto our Sovereign Lady Queen Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, in the sum of one thousand pounds of good and lawful money of Great Britain, to be paid to our said Sovereign Lady the Queen, her heirs and successors; to which payment, well and truly to be made, we bind ourselves and every of us, jointly and severally, for and in the whole, our heirs, executors, administrators, and every of them, firmly by these presents.

Sealed with our seals.

Dated this day of 18 .

Whereas by the Chinese Passenger Act, 1855, it is enacted, that before any Chinese passenger ship shall clear out or proceed to sea on a voyage of more than seven days computed duration, the master thereof shall, with two sufficient sureties to be approved by an emigration officer, enter into a bond to her Majesty, her heirs and successors, in the sum of one thousand pounds.

Now the condition of this obligation is this, that if (in respect of the ship , whereof is master) all and every of the requirements of the said Chinese Passenger Act, and of the regulations contained in schedule (A.) to the said Act annexed, or enacted by the legislature of Hong Kong, shall be well and truly observed and performed [*in like manner as the same ought to be observed and performed in case the said ship were a British ship, and the said a British subject], then this obligation to be void, otherwise to remain in full force and effect.

Signed, sealed, and delivered by the above bounden and , in the presence of .

* This clause to be inserted only in the case of a foreign Chinese passenger ship.

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19 & 20 Victoria.—A.D. 1856.

CAP. LXXXIII.

An Act to provide for the better Defence of the Coasts of the Realm, and the more ready Manning of the Navy, and to transfer to the Admiralty the Government of the Coast Guard. [29th July 1856.]

WHEREAS it is expedient to make better provision for the defence of the coasts of the realm, and for the more ready manning of her Majesty's navy in case of war or sudden emergency, as well as for the protection of her Majesty's revenue: And whereas it is expedient that the officers and men to be employed for these purposes should be under the control and authority of the commissioners of the Admiralty, and that the existing force now employed in the coast guard and in the revenue cruisers should be placed under their control: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. In citing this Act for any purpose, it shall be sufficient to use the expression "The Coast-guard Service Act, 1856."

Interpretation of the terms herein set forth.

2. In this Act the words and expressions following shall have the meanings hereby respectively assigned to them, unless there be something in the subject or context repugnant to such construction; (that is to say,)

"The commissioners of the Admiralty" shall mean the commissioners for the time being for executing the office of lord high admiral of the United Kingdom of Great Britain and Ireland, or any two or more of them, and the lord high admiral, when her Majesty shall be pleased to appoint a lord high admiral:

"Commissioners of the Treasury" shall mean the lords commissioners for executing the office of the lord high treasurer:

"The commissioners of the customs" shall mean the commissioners of her Majesty's customs:

"The existing coast guard" shall mean the officers and men who shall be employed in the service commonly called the coast-guard service and in the revenue cruisers on the day to be named in writing by the commissioners of the Treasury, as herein-after mentioned:

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"The coast guard" shall mean the officers and men to be employed and maintained by the commissioners of the Admiralty under the authority of this Act:

"Person" shall include any body politic or corporate as well as any individual:

"Lands" shall include all lands, tenements, and hereditaments, and every estate, right, title, and interest therein.

Coast guard, after order from Treasury, shall be raised and governed by Admiralty.

3. From and after such day as shall be named for that purpose by the commissioners of the Treasury, by writing under their hands, such number of officers and men as the commissioners of the Admiralty may from time to time think fit (but so that the whole number of officers and men constituting the coast guard shall not at any one time exceed ten thousand) shall be employed, raised, maintained, equipped, and governed by the commissioners of the Admiralty, and such officers and men shall be and constitute and form the coast guard; and the commissioners of the Admiralty shall and may have and exercise over and with reference to the coast guard all the powers, authorities, control, government, rights, privileges, and immunities which shall be vested in or which may be had or exercised by any person or persons whomsoever over or in any way affecting the existing coast guard.

Lands held for existing coast-guard service to be vested in Admiralty.

4. All lands held for the purposes of the existing coast-guard service under the authority of any Act or otherwise, and all other property whatsoever held, possessed, or used for the like purposes, shall, from and after such day as shall be named by the commissioners of the Treasury as aforesaid, become and be vested in and be the property of the commissioners of the Admiralty, in trust for her Majesty, her heirs and successors, for the public service; and the commissioners of the Admiralty may from time to time sell, exchange, or otherwise dispose of to such persons as they shall think fit any lands which may become vested in them under the authority of this Act, or in the exercise of the powers thereby given, and the monies payable on or by reason of such sales, exchange, or disposal shall be paid to her Majesty's paymaster general for the time being (or to such other person as the said paymaster general shall appoint), and the receipt of such paymaster general (or other person) endorsed on the conveyance or assignment shall be an effectual discharge.

Power to Admiralty to acquire lands for coast-guard stations.

5. The commissioners of the Admiralty may from time to time, by any writing under their hands, authorize any person to survey and mark out any lands not exceeding three acres, at or for any one coast-guard station which may be wanted for the purposes of the coast-guard service, with all necessary ways unto and from the same, and may authorize any person, by warrant, to treat and agree with the proper parties for the purchase of such lands, or the possession thereof; and the

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sections of the Act passed in the seventeenth year of the reign of her present Majesty, chapter one hundred and seven, numbered respectively from three hundred and thirty-six to three hundred and forty-five (each inclusive), and all sections of other Acts therein mentioned, shall be and are hereby incorporated with this Act; and whenever in any of the sections of any Act so hereby incorporated the expression "the commissioners of the Treasury," or the expression "the commissioners of customs," shall occur, each of such expressions shall for the purposes of this Act be deemed and taken to mean the commissioners of the Admiralty, and whenever in any of such sections the expression "the officers of customs" shall occur, such expression shall for the purposes of this Act be deemed and taken to mean officers of the coast guard.

Powers, &c. of existing coast guard to be vested in coast guard.

6. All laws for the protection of the existing coast guard, and all rights, authorities, powers, privileges, and immunities which shall be vested in or may be had or exercised by them, shall be applicable to and be vested in and had and exercised by the coast guard.

Coast guard to have certain privileges as persons serving in the fleet.

7. All officers and men employed in the coast guard, and borne on the books of any ship or ships belonging to her Majesty's fleet, shall have the same privileges of making allotments of wages, and of making remittances, and otherwise have the benefit of and be subject to the provisions of the laws relating to the pay of her Majesty's navy, in like manner as officers and men of their respective ratings in her Majesty's navy, and the laws concerning the discharge of seamen serving on board her Majesty's ships, and becoming entitled to be discharged, (except as altered or affected by this Act,) shall be applicable to the discharge of any of such officers and men becoming entitled to be discharged; and time served in the coast guard shall be reckoned and count for the purposes of pensions to such men, as if such men had served the same time as men in full pay and actual service in her Majesty's fleet.

Coast guard borne on books of vessels of war to be subject to the same laws and customs as persons serving in the fleet.

8. All the laws,(1) statutes, articles, orders, and customs for the time being in force for the government of her Majesty's ships and vessels and forces by sea, and applicable to any offence, or the trial and punishment of any offence, committed on the main sea, or elsewhere, by any person in or belonging to the fleet, or by any person in actual service and full pay, and part of the crew of any of her Majesty's ships or vessels of war, shall be applicable to such of the officers and men of the coast guard as shall from time to time be borne on the books of any ship or ships belonging to her Majesty's fleet, and to the like offences by them committed in any place whatsoever, whilst serving in the

(1) *See* Naval Discipline Act, 29 & 30 Vict. c. 109., p. 405, *post*; and 16 & 17 Vict. c. 69., p. 132, *ante*.

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coast-guard service on shore; and every officer of the coast guard authorized by the commissioners of the Admiralty, by commission or warrant under their hand, shall from time to time have and exercise over the petty officers and men of the coast guard under his command borne on any ship's books as aforesaid, and serving in such coast-guard service on shore, such and the like powers of ordering and inflicting punishment of offences by such officers or men in any place whatsoever committed, as by the laws and customs of her Majesty's navy, or by any Act of Parliament, or otherwise, may for the time being be lawfully had and exercised by any officer commanding any of her Majesty's ships and vessels of war over the petty officers and men thereof in respect of offences by them committed; and when any petty officers or men of the coast guard shall be punished by imprisonment under any sentence or order of any such officer of the coast guard, they may be imprisoned in any of her Majesty's gaols, or in any house of correction, or in any other prison in which petty officers or men serving in her Majesty's navy may for the time being lawfully be imprisoned(1) by sentence or order of any officer commanding any of her Majesty's ships or vessels, but no such order for imprisonment to be made by any such officer of the coast guard so authorized as aforesaid shall have any force or effect until the same shall have been approved of by writing under the hand of the officer of the coast guard for the time being commanding the district within which the offence shall have been committed; * * * * * * * * As to summary punishment.

* * * * * * *

10. The officers of the coast guard shall be deemed and taken to be officers by whom the royal naval coast volunteers may be instructed, trained, and exercised, and to whose command such volunteers may be made subject, under the provisions of the Act passed in the seventeenth year of the reign of her present Majesty, chapter seventy-three.(2) Officers of coast guard may command royal naval coast volunteers.

11. This Act shall extend to the Isle of Man, and to the islands of Jersey, Guernsey, Alderney, Sark, and their dependencies, and shall be registered in the royal courts of the islands of Guernsey and Jersey respectively, and the said royal courts respectively shall have full power and authority and are hereby required to register the same. Act may be registered in Guernsey and Jersey.

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(1) As to imprisonment, *see* Naval Discipline Act, 29 & 30 Vict. c. 109. ss. 70–83., pp. 424–428, *post*; and 10 & 11 Vict. c. 62., p. 119, *ante*.

(2) 16 & 17 Vict. c. 73., p. 136, *ante*.

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20 Victoria.—A.D. 1857.

CAP. I.

An Act to amend the Act for limiting the time of Service in the Royal Marine Forces.

[9th March 1857.]

10 & 11 Vict. c. 63.

WHEREAS by an Act passed in the session holden in the tenth and eleventh years of the reign of her Majesty, chapter sixty-three,(1) for limiting the time of service in the royal marine forces, it was enacted, that no person should be enlisted to serve in the royal marine forces as a marine for a longer term than twelve years, to be reckoned from the day on which the recruit should have been attested, if he should have stated himself to be then of the age of eighteen years, or if not then from the day on which he would complete the age of eighteen years to be reckoned according to the age stated in his attestation; and it was thereby also enacted, that any marine at any time during the last six months of the term of limited service for which he should have first engaged, or after the completion of such term, might, if approved by his commanding officer or other competent authority as a fit person to continue in her Majesty's service as a marine, be re-engaged to serve for the further term of twelve years in the royal marine forces; and that any marine who should be ordered on foreign service, and who was within three years of the expiration of his first engagement, should be at liberty, with the approbation of his commanding officer, to re-engage, before he embarked for such foreign service, for such period as should complete a total service of twenty-four years: And whereas it is expedient that the commissioners for executing the office of lord high admiral should be enabled to permit enlistment for such less terms as they may at any time or times deem expedient, and to authorize marines to re-engage for any terms within the limit of service prescribed by the said Act: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to the Admiralty to prescribe terms for enlistment and re-engagement of marines.

1. Any person may be enlisted to serve in the royal marine forces as a marine for any term not exceeding twelve years, to be reckoned as provided by the herein-before recited Act, as may be authorized by any order or orders of the said commissioners in such behalf; and any marine may, subject to such approbation as in the said Act mentioned, re-engage for such term as may by any order or orders of the said commissioners be authorized,

(1) 10 & 11 Vict. c. 63., p. 123, *ante*.

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provided the term for which he is so engaged, with the term of his service under his first enlistment, do not exceed the period of twenty-one years; * * * * * * * *

2. The herein-before recited Act and this Act shall be read and construed together as one Act. Recited Act and this Act to be read as one.

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20 & 21 Victoria.—A.D. 1857.

CAP. XXX.

An Act for enabling the Commissioners of the Admiralty to purchase certain Lands in the Parish of Chatham in the County of Kent, and to stop up, divert, or alter certain Ways in the said Parish; and for other purposes relating thereto.(1)

[10th August 1857.]

WHEREAS it is expedient, for the purposes of the public service, that the commissioners for executing the office of lord high admiral of the United Kingdom of Great Britain and Ireland be authorized to purchase and hold additional lands in the parish of Chatham in the county of Kent, and from time to time to sell, exchange, dispose of, or demise such lands as occasion may require; and for the more convenient occupation thereof that the commissioners have power to stop up, divert, or alter certain ways in the same parish: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. In citing this Act for any purpose whatever it shall be sufficient to use the expression "The Chatham Lands Purchase Act, 1857." Short title.

2. The Lands Clauses Consolidation Act, 1845, save and except such parts as and so far only as such parts relate to compensation for any damage or injury to or injuriously affecting any lands by reason of the execution of any works, and also save and except sections fifteen, sixteen, seventeen, one hundred and twenty-seven, one hundred and twenty-eight, one hundred and twenty-nine, one hundred and thirty, one hundred and thirty-one, one hundred and thirty-two, one hundred and thirty-three, one hundred and thirty-four, one hundred and forty, one hundred and forty-eight, one hundred and fifty, and one hundred and Incorporation of 8 & 9 Vict. c. 18.

(1) *See* the Admiralty Lands and Works Act, 1864, 27 & 28 Vict. c. 57., p. 358, *post*, the Admiralty Powers, &c. Act, 1865, 28 & 29 Vict. c. 124., p. 392, *post*, and the Admiralty Suits Act, 1868, 31 & 32 Vict. c. 78., *post*.

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fifty-one of the said Act, shall, so far as the same may be applicable to and is not inconsistent with or modified by this Act, be incorporated with and for all intents and purposes whatever form part of this Act.

Interpretation.

3. In the construction of this Act, and of the Act herewith incorporated, so far as it relates to the purposes of this Act, unless there be something in the context repugnant to such construction,

The word "ways" shall mean turnpike roads, highways, streets, lanes, occupation roads or ways, bridleways, footpaths, causeways, passages, and other ways of every kind whatsoever:

"The lord high admiral" shall mean the lord high admiral for the time being of the United Kingdom of Great Britain and Ireland:

"The commissioners" shall mean the commissioners for the time being for executing the office of "the lord high admiral," when the office of the lord high admiral shall be executed by commissioners, and the lord high admiral for the time being, whenever her Majesty, her heirs or successors, shall have appointed a lord high admiral:

"Special Act" in the Act herewith incorporated shall mean this Act:

The expression "promoters of the undertaking" in the Act herewith incorporated shall mean "the commissioners":

The word "company" in the Act herewith incorporated shall mean "the commissioners":

The word "lands" shall include lands, messuages, buildings, tenements, and hereditaments of every description and of every tenure, and all public and private rights, liberties, appurtenances, easements, and privileges of every description, in, over, upon, under, or through any lands, messuages, tenements, or hereditaments.

Commissioners may purchase lands.

4. It shall be lawful for the commissioners, subject to the provisions of this Act, to purchase all or any of the lands mentioned in the schedule to this Act which they have not hitherto acquired, and that although the same lands, or the description or boundaries thereof or of any part thereof, or the names of the owners, lessees, or occupiers thereof respectively, or of any of them, may happen to be erroneously stated in or omitted from the said schedule, in case it shall appear to and be certified by any two justices under their hands that such erroneous statement or omission was not wilful.

Lands to be held in trust for Her Majesty.

5. All lands mentioned in the said schedule which have been purchased by the commissioners, and which may be purchased or in any manner acquired by the commissioners under the authority of this Act, shall be and become vested in the commissioners for the time being, and in their successors in office from

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time to time, to be held and enjoyed by the commissioners for the time being in succession, in trust for her Majesty, her heirs and successors, for the public service.

Instead of bond required by 8 & 9 Vict. c. 18., commissioners may give undertaking.

6. It shall be lawful for the commissioners, instead of the bond mentioned in sections eighty-five and eighty-seven of the Act incorporated herewith, to give to the party who would otherwise be entitled to such bond a written undertaking under their hands to do and perform all and singular the matters and things mentioned in the condition to such bond to be done and performed; and such undertaking shall have the same validity and effect as the bond mentioned in the same sections.

Powers to apply to purchases already made.

7. The powers and authorities by this Act given to the commissioners relative to the lands mentioned in the said schedule shall, so far as the commissioners may at any time or times deem expedient for effecting any of the objects of this Act, be applicable as well to any of such lands already purchased or taken, or agreed to be purchased or taken, as to such as shall hereafter be purchased or taken under the provisions of this Act.

Notices by commissioners.

8. All notices which under this Act are to be given by the commissioners may be given under the hand of the secretary of the Admiralty.

Notices, &c. to the commissioners.

9. All notices and other proceedings which under this Act are to be given to or served on the commissioners shall be served on the secretary of the Admiralty, by being left at or transmitted through the post to the Admiralty at Whitehall.

Lands to continue liable to land tax.

10. All lands mentioned in the said schedule which have been purchased by the commissioners, and which may be purchased under the authority of this Act which may be charged with the land tax, shall continue liable thereto, as they would have been had such lands not been so purchased.

Commissioners may stop up and divert ways, &c.

11. It shall be lawful for the commissioners, by order in writing under their hands, to stop up, divert, or alter all or any of the ways, sewers, drains, and pipes on, near to, under, through, or over any of the lands mentioned in the said schedule, they the said commissioners making, opening, or laying down another sufficient way, sewer, drain, or pipe, when requisite, in lieu of the one stopped up, diverted, or altered; and the site and soil of all such ways, sewers, drains, and pipes shall, on the same being so stopped up, diverted, or altered, be vested in the commissioners, in manner herein-before provided with respect to lands purchased by them.

Soil of ways, &c. to vest in commissioners.

Soil of substituted ways, &c. to vest in persons in

12. Upon any such substituted way, sewer, or pipe being completed, the site and soil thereof shall vest in the same persons, for the same estate and interest only, as the site and soil of the

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whom ways, &c. stopped up vested.

way, sewer, drain, or pipe stopped up, diverted, or altered was vested in at the time the same was so stopped up, diverted, or altered.

Other public drains, &c. to be made in lieu of any stopped up.

13. If it shall be deemed necessary to stop up, divert, or alter any way under or through which any public drain or sewer, or main pipe for the conveyance of gas or water, shall pass or be laid, the commissioners, previously to any such drain, sewer, or pipe being disturbed or injured, shall cause another good and sufficient drain or sewer to be made, and other good and sufficient pipe or pipes for the conveyance of gas or water, as the case may be, to be laid down.

Substituted ways, &c. to be repaired by commissioners for twelve months.

14. Every way, drain, sewer, and pipe which shall be so substituted by the commissioners shall be kept in repair and maintained by the commissioners for twelve calendar months from the time when the same shall be opened or shall be begun to be used.

After twelve months, by persons liable to repair the old ways, &c.

15. After the expiration of such twelve calendar months, every such substituted way, drain, sewer, and pipe shall be repaired and maintained by and at the cost of the persons who were previously liable to repair and maintain the way, drain, sewer, or pipe in lieu of which such substituted way, drain, sewer, or pipe shall have been made.

Commissioners may sell lands.

16. It shall be lawful for the commissioners from time to time to sell, exchange, or in any manner dispose of, or to demise or let, all or any of the said lands hitherto purchased by the commissioners, and which from time to time may be purchased or acquired under the authority of this Act; and it shall be lawful for the commissioners to grant, convey, assign, or demise the same or any part thereof accordingly, and for that purpose to make and execute all such conveyances and assurances as they may deem necessary, and to do any other act, matter, or thing in relation to such lands as the commissioners shall deem necessary.

Lands obtained on exchange to vest in commissioners.

17. All lands acquired by the commissioners on any such exchange shall vest in the commissioners upon the same trusts, and with the like powers in all respects, as are hereby declared as to lands hereby authorized to be purchased.

Monies received on sale to be paid to paymaster general.

18. The monies to be produced by sale or exchange, or which may be paid by way of premium, for any lease of any lands which shall be sold, let, exchanged, or conveyed, under the provisions of this Act, shall be paid by the purchaser or lessee thereof, or the person making any such exchange, to her Majesty's paymaster general for the time being; and the receipt of the said paymaster general for any such monies (such receipt to be endorsed on every such conveyance, assurance, or lease as aforesaid), shall effectually discharge the purchaser or person by whom or on whose account the same shall be paid.

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Lands to vest free from prior estates, &c.

19. Immediately from and after the payment of any such monies, and the execution of any such conveyance, assurance, or lease as aforesaid, by the commissioners, the purchaser or lessee therein named shall stand seised or possessed of the lands which shall be so purchased by and conveyed or leased to him freed and absolutely discharged of and from all prior estates, rights, interests, charges, incumbrances, and demands whatsoever which can or may be had, made, or set up in respect of such lands by any person whomsoever, by, from, under, or in trust for her Majesty, her heirs and successors, or on any account whatsoever, save and except such estates, rights, interests, charges, incumbrances, claims, and demands (if any) as in such conveyance, assurance, or lease shall be excepted.

Powers to be exercised by two commissioners or by lord high admiral.

20. All the powers, authorities, and duties hereby vested in or imposed on the commissioners may be exercised and performed by any two of them at any time when the office of the lord high admiral shall be executed by commissioners, and at all other times by the lord high admiral for the time being.

Saving of rights of her Majesty.

21. Nothing herein contained shall defeat, abridge, or injuriously affect, in any action, suit, or other proceedings, the legal rights, privileges, or prerogatives of her Majesty, her heirs and successors; and in all such actions, suits, or other proceedings commenced under or in pursuance of this Act, and in all matters relating thereunto, it shall be lawful for the commissioners to claim, exercise, and enjoy all the same rights, privileges, and prerogatives which have been heretofore claimed, exercised, and enjoyed in any actions, suits, or other proceedings whatsoever, in any court of law or equity, by her Majesty or her predecessors, in the same manner as if the subject matter of the said action, suit, or other proceeding were vested immediately in her Majesty, her heirs or successors, and as if her Majesty, her heirs or successors, were actually a party to such action, suit, or other proceeding.

Protection of commissioners personally.

22. Nothing contained in this Act and nothing done under or in pursuance thereof, shall extend to charge the commissioners or any of them with the payment of any penalty or penalties, or to charge, affect, or make liable the person or persons of the commissioners or of any of them, or their heirs, executors, or administrators, or their own proper lands, tenements, goods, chattels, or property, in, under, or by reason of any actions, suits, arbitrations, or other proceedings whatsoever, at law, in equity, or otherwise, instituted, agreed, made, or taken under or in pursuance of this Act, nor shall the commissioners or any of them be personally liable, nor shall the property of the commissioners or any of them be liable, to any legal process or execution in any such actions, suits, arbitrations, or other proceedings as aforesaid.

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The SCHEDULE to the foregoing Act.

The property herein-after described is bounded as follows; that is to say, on the north by the present Royal Marine Barracks, on the west by the gun wharf belonging to the War Department, on the south by the churchyard of St. Mary's Church there, and on the east by the Queen's highway or road leading from the town of Chatham to Brompton in the county of Kent.

Parish, Township, Townland, or Extra-parochial Place.	Number on Parliamentary Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Parish of Chatham, in the county of Kent.	1	A messuage or tenement and dwelling house called the Navy and Army Hotel, outbuildings, yards, and premises.	Elizabeth Mary Jenner, Hannah Jenner, Charles Jenner, Ann Jenner, William Jenner, Kentish Jenner, and Charles Kennington and Ellen his wife.	Frederick Manser -	Frederick Manser.
	2	Passage way and yard.	Harriet Best, the Reverend Sir Charles Hardinge, clerk and baronet, and Mawdistly Gaussen Best, Elizabeth Mary Jenner, Hannah Jenner, Charles Jenner, Ann Jenner, William Jenner, Kentish Jenner, and Charles Kennington and Ellen his wife.	James Grover, Edward Winch.	Walker Hill, William Harding, Henry Baker, Henry Jones, Neale Gorman, James Grover, and Charles Cheeseman Croft.
	3	A messuage, tenement, or dwelling house, shop, warehouse, and premises.	Elizabeth Mary Jenner, Hannah Jenner, Charles Jenner, Ann Jenner, William Jenner, Kentish Jenner, and Charles Kennington and Ellen his wife.	James Grover -	James Grover and Charles Cheeseman Croft.

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Parish, Township, Townland, or Extra-parochial Place.	Number on Parliamentary Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Parish of Chatham, in the county of Kent (continued).	4	Dwelling house, yard, garden, and premises.	Harriet Best, the Reverend Sir Charles Hardinge, clerk and baronet, and Mawdistly Gaussen Best.	Edward Winch -	Walker Hill, William Harding, Henry Baker, Henry Jones, and Neale Gorman.
	5	A messuage, tenement, or dwelling house, yard, garden, and premises, called the Queen's Head public house.	Harriet Best, the Reverend Sir Charles Hardinge, clerk and baronet, and Mawdistly Gaussen Best.	Edward Winch -	Rebecca Jell.
	6	Passage, yard, and outbuilding.	Harriet Best, the Reverend Sir Charles Hardinge, clerk and baronet, and Mawdistly Gaussen Best.	Edward Winch -	Rebecca Jell, Walker Hill, William Harding, Henry Baker, Henry Jones, and Neale Gorman.
	7	Passage, yard, and well of water.	Harriet Best, the Reverend Sir Charles Hardinge, clerk and baronet, and Mawdistly Gaussen Best, James Hulkes, Charles William Beauclerk and Penelope his wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	Edward Winch, John Connell.	Rebecca Jell, Walker Hill, William Harding, Henry Baker, Henry Jones, Neale Gorman, John Connell, William Brigden, John Taylor, William Mordell, Edward Payne, Edward Mackay, John Miller, Benjamin Surrel, Robert Irving, Christopher Duffey, Walter Murdock, William Harrison, and Michael Hare.
	8	Dwelling house, yard, garden, and premises.	James Hulkes, Charles William Beauclerk and Penelope his wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell -	Robert Irving, Christopher Duffey, Walter Murdock, William Harrison, and Michael Hare.
	9	Dwelling house and premises.	James Hulkes, Charles William Beauclerk and Penelope his wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell -	John Connell, John Miller, and Benjamin Surrel.

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Parish, Township, Townland, or Extra-parochial Place.	Number on Parliamentary Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Parish of Chatham, in the county of Kent (continued).	10	Dwelling house and premises.	James Hulkes, Charles William Beauclerk and Penelope his wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell -	Edward Payne and Edward Mackay.
	11	Lean-to wash-house and premises.	James Hulkes, Charles William Beauclerk and Penelope his wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell -	John Connell.
	12	Dwelling house and premises.	James Hulkes, Charles William Beauclerk and Penelope his wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell -	John Taylor and William Mordell.
	13	Shed and outbuilding.	James Hulkes, Charles William Beauclerk and Penelope his wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell -	John Connell.
	14	Dwelling house and premises.	James Hulkes, Charles William Beauclerk and Penelope his wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell -	William Brigden.
	15	Passage or entrance way, yard, and outbuildings.	James Hulkes, Charles William Beauclerk and Penelope his wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell -	John Connell, William Brigden, John Taylor, William Mordell, Edward Payne, Edward Mackay, John Miller, Benjamin Surrel, Robert Irving, Christopher Duffey, Walter Murdock, William Harrison, and Michael Hare.

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Parish, Township, Town and, or Extra-parochial Place.	Number on Parliamentary Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Parish of Chatham, in the county of Kent (continued).	16	Tenement or stable	James Hulkes, Charles William Beauclerk and Penelope his wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, and Robert Gage.	John Connell -	John Connell.
	17	Dwelling house used as a beer shop, called the Royal Marine, with a shed, yard, and premises.	John Lock - - - -	Robert Hanbury, Sir Edward North Buxton, baronet, Arthur Pryor, Robert Hanbury the younger, Thomas Fowell Buxton, and Charles Buxton.	Robert Bailey.
	18	Dwelling house and premises.	Humphrey Wickham - - -	- - -	Henry Wright and Miles Marney.
	19	Dwelling house and premises.	Humphrey Wickham - - -	- - -	William Banks, James Palmer, and William Hogden.
	20	Covered passage, yard, outbuildings, passages, and well of water.	Humphrey Wickham - - -	- -	Henry Wright, Miles Marney, William Banks, James Palmer, William Hogden, John Campbell, George Dyer, Joseph Kirkland, Henry Camp, James Kelby, John Kelly, Elizabeth Tennant, James O'Neil, Maria Money, Kate Morrison, Robert Clarke, Archibald Brown, Bridget Welsh, William Smith, John Sullivan, George Ellis, John Taylor, Thomas Allship, Patrick Ford, Michael O'Connor, David Hughes, and Frank Lynch.

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Parish, Township, Townland, or Extra-parochial Place.	Number on Parliamentary Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Parish of Chatham, in the county of Kent (continued).	20 *b*	Passage-way -	Humphrey Wickham and Sarah Rimington	- - -	Henry Wright, Miles Marney, William Banks, James Palmer, William Hogden, John Campbell, George Dyer, Joseph Kirkland, Henry Camp, James Kelby, John Kelly, Elizabeth Tennant, James O'Neil, Maria Money, Kate Morrison, Robert Clarke, Archibald Brown, Bridget Welsh, William Smith, John Sullivan, George Ellis, John Taylor, Thomas Allship, Patrick Ford, Michael O'Connor, David Hughes, James Grant, Samuel Jacob, Thomas Rigby, Henry Pattison, Robert Howard, and Frank Lynch.
	21	Dwelling house, yard, garden, and premises.	Humphrey Wickham - - -	- - -	John Campbell, George Dyer, and Joseph Kirkland.
	22	Stable and premises	Elizabeth Mary Jenner, Hannah Jenner, Charles Jenner, Ann Jenner, William Jenner, Kentish Jenner, and Charles Kennington and Ellen his wife.	James Grover -	James Grover.
	23	Coach-houses, stables, shed, outbuildings, yard, and premises.	Elizabeth Mary Jenner, Hannah Jenner, Charles Jenner, Ann Jenner, William Jenner, Kentish Jenner, and Charles Kennington and Ellen his wife.	Frederick Manser -	Frederick Manser.
	24	A messuage or tenement used as a public house, called the Red Lion, fowl-house, outbuildings, yard, and premises.	Elizabeth Mary Jenner, Hannah Jenner, Charles Jenner, Ann Jenner, William Jenner, Kentish Jenner, and Charles Kennington and Ellen his wife.	John Swan -	John Swan.

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Parish, Township, Townland, or Extra-parochial Place.	Number on Parliamentary Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Parish of Chatham, in the county of Kent (continued).	24 *b*	Open yard -	Elizabeth Mary Jenner, Hannah Jenner, Charles Jenner, Ann Jenner, William Jenner, Kentish Jenner, and Charles Kennington and Ellen his wife.	John Swan and Frederick Manser.	John Swan and Frederick Manser.
	25	Dwelling house, yard, and premises.	Humphrey Wickham - - -	- - -	Henry Camp.
	26	Dwelling house and premises.	Humphrey Wickham - - -	- - -	James Kelly and John Kelly.
	27	Dwelling house and premises.	Humphrey Wickham - - -	- - -	Elizabeth Tennant, James O'Neil, Maria Money, and Kate Morrison.
	28	Passage, yard, and outbuilding.	Humphrey Wickham - - -	- - -	Elizabeth Tennant, James O'Neil, Maria Money, Kate Morrison, Henry Camp, James Kelby, and John Kelly.
	29	Dwelling house, yard, garden, outbuilding, and premises.	Samuel William Brooks - - -	- - -	Henry George Jennison, Andrew Fenner, Leonard Cornelius Scoones, John White, Robert Spence, and John Waylin.
	30	Dwelling house, yard, and premises.	Samuel William Brooks - - -	Edward Gooddy -	Edward Goody.
	31	Dwelling house, yard, and premises.	Samuel William Brooks - - -	Edward Gooddy -	William Carter, Martin Hughes, Charles Baker, Thomas Horton, John Megan, and Patrick Connell.
	32	Yard, garden, outbuildings, and premises.	Samuel William Brooks - - -	Edward Gooddy -	Edward Gooddy, William Carter, Martin Hughes, Charles Baker, Thomas Horton, John Megan, and Patrick Connell.

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Parish, Township, Townland, or Extra-parochial Place.	Number on Parliamentary Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Parish of Chatham, in the county of Kent (continued).	33	Covered passage-way.	Samuel William Brooks and Sarah Rimington.	Edward Gooddy -	Edward Gooddy, William Carter, Martin Hughes, Charles Baker, Thomas Horton, John Megan, Patrick Connell, Henry Pattison, Robert Howard, William Smith, James Gant, Samuel Jacob, and Thomas Rigby.
	34	Dwelling house, outbuilding, garden, and premises.	Sarah Rimington - - - -	- - -	James Gant, Samuel Jacob, and Thomas Rigby.
	35	Dwelling house, outbuilding, garden, and premises.	Sarah Rimington - - - -	- - -	Henry Pattison, Robert Howard, and William Smith.
	36	Passage, yard, well, and premises.	Sarah Rimington - - - -	- - -	James Gant, Samuel Jacob, Thomas Rigby, Henry Pattison, Robert Howard, and William Smith.
	37	Dwelling house and premises.	Humphrey Wickham - - -	- - -	Robert Clark, Archibald Brown, and Bridget Welsh.
	38	Dwelling house and premises.	Humphrey Wickham - - -	- - -	Frank Lynch.
	39	Dwelling house and premises.	Humphrey Wickham - - -	- - -	George Ellis and John Taylor.
	40	Dwelling house and premises.	Humphrey Wickham - - -	- - -	Thomas Allship.
	41	Dwelling house and premises.	Humphrey Wickham - - -	- - -	Patrick Ford, Michael O'Connor, and David Hughes.
	42	Dwelling house and premises.	Humphrey Wickham - - -	- - -	William Smith and John Sullivan.

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Parish, Township, Townland, or Extra-parochial Place.	Number on Parliamentary Plan.	Description of Property.	Owners or reputed Owners.	Lessees or reputed Lessees.	Occupiers.
Parish of Chatham, in the county of Kent (continued).	43	Road and footpath	The Local Board of Health for Chatham, Thomas Hills their clerk, Elizabeth Mary Jenner, Hannah Jenner, Charles Jenner, Ann Jenner, William Jenner, Kentish Jenner, Charles Kennington and Ellen his wife, Harriet Best, the Reverend Sir Charles Hardinge, clerk and baronet, Mawdistly Gaussen Best, James Hulkes, Charles William Beauclerk and Penelope his wife, Robert Henry Forman, Charles Gilbert Eversfield, Henry Blair Mayne, Robert Gage, John Lock, Humphrey Wickham, Samuel William Brooks, and Sarah Rimington.	Frederick Manser, James Grover, Edward Winch, John Connell, Robert Hanbury, Sir Edward North Buxton, baronet, Arthur Pryor, Robert Hanbury the younger, Thomas Fowell Buxton, Charles Buxton, John Swan, and Edward Gooddy.	Frederick Manser, James Grover, Charles Cheeseman Croft, Walker Hill, William Harding, Henry Baker, Henry Jones, Neale Gorman, Rebecca Jell, Robert Irving, Christopher Duffey, Walter Murdock, William Harrison, Michael Hare, John Connell, John Miller, Benjamin Surrel, Edward Payne, Edward Mackay, John Taylor, William Mordell, William Brigden, Robert Bailey, Henry Wright, Miles Marney, William Banks, James Palmer, William Hogden, John Campbell, George Dyer, Joseph Kirkland, John Swan, Henry Camp, James Kelby, John Kelly, Elizabeth Tennant, James O'Neil, Maria Money, Kate Morrison, Henry George Jennison, Andrew Fenner, Leonard Cornelius Scoones, John White, Robert Spence, John Waylin, Edward Gooddy, William Carter, Martin Hughes, Charles Baker, Thomas Horton, John Megan, Patrick Connell, James Gant, Samuel Jacob, Thomas Rigby, Henry Pattison, Robert Howard, William Smith, Robert Clark, Archibald Brown, Bridget Welsh, Frank Lynch, William Smith, John Sullivan, George Ellis, John Taylor, Thomas Allship, Patrick Ford, Michael O'Connor, and David Hughes.

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22 Victoria.—A.D. 1859.

CAP. XXVI.

An Act to amend the Laws concerning Superannuations and other Allowances to Persons having held Civil Offices in the Public Service.(1)

[19th April 1859.]

4 & 5 Will. 4. c. 24.

WHEREAS an Act was passed in the session holden in the fourth and fifth years of King William the Fourth, chapter twenty-four, "to alter, amend, and consolidate the laws for "regulating the pensions, compensations, and allowances to be "made to persons in respect of their having held civil offices in "his Majesty's service": And whereas by an Act of the session holden in the twentieth and twenty-first years of her Majesty, chapter thirty-seven, section twenty-seven of the first-recited Act, by which an abatement was directed to be made from the salaries of civil servants entitled to superannuation allowance, was repealed: And whereas it is desirable further to amend the said Act as herein-after mentioned: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

* * * * * * *

Ordinary rate of superannuation allowance.

2. Subject to the exceptions and provisions herein-after contained, the superannuation allowance to be granted after the commencement of this Act to persons who shall have served in an established capacity in the permanent civil service of the state, whether their remuneration be computed by day pay, weekly wages, or annual salary, and for whom provision shall not otherwise have been made by Act of Parliament, or who may not be specially excepted by the authority of Parliament, shall be as follows; (that is to say,)

To any person who shall have served ten years and upwards, and under eleven years, an annual allowance of ten sixtieths of the annual salary and emoluments of his office:

For eleven years, and under twelve years, an annual allowance of eleven sixtieths of such salary and emoluments:

And in like manner a further addition to the annual allowance of one sixtieth in respect of each additional year of such service, until the completion of a period of service of forty years, when the annual allowance of forty sixtieths may be granted; and no addition shall be made in respect of any service beyond forty years:

(1) *See* 4 & 5 Will. 4. c. 24., p. 76, *ante*; 34 & 35 Vict. c. 86., *post*; 35 & 36 Vict. c. 12., *post*.

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Provided always, that if any question should arise in any department of the public service as to the claim of any person or class of persons for superannuation under this clause, it shall be referred to the commissioners of the Treasury, whose decision shall be final.

This Act to apply to persons already in the civil service, but without prejudice to existing rights.

3. Nothing herein contained shall interfere with the grant, to the officers and clerks who entered the public service prior to the fifth day of August one thousand eight hundred and twenty-nine, of such superannuation allowances as might hereafter have been granted to them under section nine of the said Act of the fourth and fifth years of King William the Fourth, or shall prevent, restrict, or diminish any other superannuation allowance, pension, gratuity, or compensation which, if this Act had not been passed, might hereafter have been granted to any person who shall have entered the public service before the passing of this Act, but, except as aforesaid, the provisions herein-after contained shall apply as well to persons who have already entered the public service, whether before or after the said fifth day of August one thousand eight hundred and twenty-nine, as to those who may hereafter enter the public service.

Provision for computing amount of superannuation to persons holding professional and other special offices.

4. It shall be lawful for the commissioners of the Treasury from time to time, by any order or warrant, to declare that for the due and efficient discharge of the duties of any office or class of offices to be specified in such order or warrant, professional or other peculiar qualifications, not ordinarily to be acquired in the public service, are required, and that it is for the interest of the public that persons should be appointed thereto at an age exceeding that at which public service ordinarily begins; and by the same or any other order or warrant to direct that when any person now holding or who may hereafter be appointed to such office or any of such class of offices shall retire from the public service, a number of years not exceeding twenty, to be specified in the said order or warrant, shall in computing the amount of superannuation allowance which may be granted to him under the foregoing section of this Act, be added to the number of years during which he may have actually served, and also to direct that in respect of such office or class of offices the period of service required to entitle the holders to superannuation may be a period less than ten years, to be specified in the order or warrant; and also to direct that, in respect of such office or class of offices, the holder may be entitled to superannuation, though he may not hold his appointment directly from the Crown, and may not have entered the service with a certificate from the civil service commissioners: Provided always, that every order or warrant made under this enactment shall be laid before Parliament.

Allowances in cases of bodily injury.

5. It shall be lawful for the commissioners of the Treasury to grant to any person who, being the holder of an office in respect of which a superannuation allowance may be granted,

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but not having completed the period which would have entitled him to a superannuation allowance, is compelled to quit the public service by reason of severe bodily injury, occasioned, without his own default, in the discharge of his public duty, a gratuity not exceeding three months pay for every two years of service, or a superannuation allowance not exceeding ten sixtieths of the annual salary and emoluments of his office.

Power to Treasury to grant gratuities in case of short service.

6. It shall be lawful for the commissioners of the Treasury to grant to any person who, being the holder of an office in respect of which a superannuation allowance may be granted, is constrained, from infirmity of mind or body, to leave the public service before the completion of the period which would entitle him to a superannuation allowance, such sum of money by way of gratuity as the said commissioners may think proper, but so as that no such gratuity shall exceed the amount of one month's pay for each year of service.

Power to Treasury to grant allowances on abolition of offices.

7. It shall be lawful for the commissioners of the Treasury to grant to any person retiring or removed from the public service in consequence of the abolition of his office, or for the purpose of facilitating improvements in the organization of the department to which he belongs, by which greater efficiency and economy can be effected, such special annual allowance by way of compensation as on a full consideration of the circumstances of the case may seem to the said commissioners to be a reasonable and just compensation for the loss of office; and if the compensation shall exceed the amount to which such person would have been entitled under the scale of superannuation provided by this Act if ten years were added to the number of years which he may have actually served, such allowance shall be granted by special minute, stating the special grounds for granting such allowance, which minute shall be laid before Parliament, and no such allowance shall exceed two thirds of the salary and emoluments of the office.

Condition of grant of full superannuations to public servants not heads of departments.

8. It shall not be lawful for the commissioners of the Treasury to grant the full amount of superannuation allowance which can be granted under this Act to any person not being the head officer or one of the head officers of a department, unless upon production of a certificate (signed by the head officer of the department, or by two head officers, if there be more than one) that he has served with diligence and fidelity to the satisfaction of such head officer or officers; and in every case in which any superannuation allowance is granted, after the refusal of such certificate, the minute granting it shall state such refusal and the grounds on which the allowance is granted.

Power to Treasury to grant allowances for spe- ices,

9. Provided, that it shall be lawful for the commissioners of the Treasury to grant to any person any superannuation, compensation, gratuity, or other allowance of greater amount than the amount which might be awarded to him under the foregoing

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provisions, when special services rendered by such person, and requiring special reward, shall appear to them to justify such increase, but so that such allowance shall in no case exceed the salary and emoluments enjoyed by the grantee at the time of retirement, and the grounds of every such increase shall be stated in a minute of the Treasury, which shall be laid before Parliament; and it shall be lawful for the said commissioners to grant to any person any such allowance of less amount than otherwise would have been awarded to him where his defaults or demerit in relation to the public service appear to them to justify such diminution.

and for demerits in individual cases.

10. It shall not be lawful to grant any superannuation allowance under the provisions of this Act to any person who shall be under sixty years, unless upon medical certificate to the satisfaction of the commissioners of the Treasury that he is incapable, from infirmity of mind or body, to discharge the duties of his situation, and that such infirmity is likely to be permanent.

Evidence of infirmity of persons under sixty.

11. Every person to whom a superannuation or compensation allowance shall have been granted before he shall have attained the age of sixty years shall, until he has attained that age, be liable to be called upon to fill, in any part of her Majesty's dominions in which he shall before have served, any public office or situation under the Crown for which his previous public services may render him eligible; and if he shall decline, when called upon to do so, to take upon him such office or situation, or shall decline or neglect to execute the duties thereof satisfactorily, being in a competent state of health, he shall forfeit his right to the compensation or superannuation allowance which had been granted to him.

Persons superannuated under sixty may be required to serve again.

12. And whereas it will be for the advantage of the public service that officers holding employments entitling them to superannuation allowances under this or other Acts shall be eligible for other public employments at home and abroad, without forfeiting their claims to such allowances:

Persons to retain right to superannuation on transfer to other employment under the Crown.

Every officer already or hereafter to be transferred from employment entitling him to superannuation allowance to public employment under the Crown not so entitling him shall be entitled, on his ultimate retirement from the public service, to the same allowance as if he had continued to hold the vacated appointment and at the same rate of salary as when the same was vacated, subject nevertheless to the conditions which would in that case have been applicable with respect to the grant of such allowance; provided that it shall be lawful for the commissioners of the Treasury, in the case of officers transferred to governorships and lieutenant-governorships of colonies, and other high offices abroad, conferred for a limited period, to grant such superannuation allowance to such officers on the expiration of

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such term of service without a renewal of public employment; but any officer to whom such grant is made while under the age of sixty years shall be subject to the same liability to be called upon to fill office under the Crown, as herein provided concerning other persons under that age to whom like allowances are granted.

Orders, &c., within what time to be laid before Parliament.

13. All orders, warrants, and minutes by this Act directed to be laid before Parliament shall be laid before both Houses of Parliament within fourteen days after the making thereof if Parliament be sitting, and if Parliament be not sitting then within fourteen days after the next meeting thereof.

* * * * * * *

Acts in schedule to be construed as referring to this Act.

15. The several sections mentioned in the schedule hereto of the several Acts of Parliament, also therein mentioned, shall be construed as if this Act, instead of the said Act of the fourth and fifth years of the reign of King William the Fourth, had been referred to in the said sections; and such other enactments as refer to the scale of superannuation allowance established by the provisions hereby repealed of the said Act of King William the Fourth shall be construed as if the scale established by this Act had been referred to.

Allowances to be paid free from taxes.

16. All superannuations, compensations, gratuities, and other allowances granted or hereafter under this Act to be granted shall be paid to the persons entitled to receive the same without any abatement or deduction in respect of any taxes or duties whatever at present existing, except the tax upon property or income.

Who to be deemed civil servants.

17. For the purposes of this Act, no person hereafter to be appointed shall be deemed to have served in the permanent civil service of the state unless such person holds his appointment directly from the Crown,(1) or has been admitted into the civil service with a certificate from the civil service commissioners; nor shall any person, already appointed to any office, be held to have served in the permanent civil service as aforesaid, unless such person belong to a class which is already entitled to superannuation allowance, or to a class in which, if he had been appointed thereto subsequently to the passing of this Act, he would, as holding his appointment directly from the Crown, or as having been admitted into the civil service with such certificate as aforesaid, have become entitled to such allowance; and no person shall be entitled to any superannuation allowance under this Act, unless his salary or remuneration has been provided out of the consolidated fund of the United Kingdom of Great Britain and Ireland, or out of monies voted by Parliament.

(1) *See*, as to certain persons appointed to situations not held directly from the Crown, and who were not admitted with a certificate, 36 & 37 Vict. c. 23.

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18. So much of the said Act of the fourth and fifth years of King William the Fourth, chapter twenty-four, as is now in force and not hereby repealed, and this Act, shall be construed together as one Act. 4 & 5 Will. 4. c. 24. and this Act to be construed together.

19. It shall be sufficient, in citing this Act, to use the expression "The Superannuation Act, 1859." Short title.

SCHEDULE A.

5 & 6 W. 4. c. 42. s. 1.
7 W. 4. & 1 Vict. c. 30. s. 21.
8 & 9 Vict. c. 100. ss. 5. 10.
13 & 14 Vict. c. 89. s. 39.
15 & 16 Vict. c. 73. s. 15.
15 & 16 Vict. c. 87. s. 46.
17 & 18 Vict. c. 78. s. 22.
19 & 20 Vict. c. 110. s. 9.

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22 Victoria.—A.D. 1859.

Cap. XXVIII.

An Act to continue the Act for the regulation of the Annuities and Premiums of the Naval Medical Supplemental Fund Society.(1) [19th April 1859.]

WHEREAS an Act was passed in the session of Parliament holden in the eleventh and twelfth years of the reign of her Majesty, for regulating the annuities and premiums of the naval medical supplemental fund society, and by the second section of that Act it was enacted, that such Act should take effect and continue in force for ten years from the passing thereof, and from thence to the end of the then next session of Parliament: And whereas it is expedient that such Act should be continued for the period herein-after mentioned: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, that the herein-before recited Act passed in the session of Parliament holden in the eleventh and twelfth years of the reign of her Majesty shall continue in force for ten years from the passing of this Act, and thence to the end of the then next session of Parliament. 11 & 12 Vict. c. 58. Recited Act continued for ten years.

(1) *See* 24 & 25 Vict. c. 108., p. 309, *post*, and 26 & 27 Vict. c. 111., p. 339, *post*.

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22 & 23 Victoria.—A.D. 1859.

Cap. XL.

An Act for the Establishment of a Reserve Volunteer Force of Seamen, and for the Government of the same.(1) [13th August 1859.]

WHEREAS it is expedient that there should be a reserve volunteer force of seamen for service in her Majesty's fleet in time of emergency, and that the seamen composing such force should be duly entered and trained: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to Admiralty to raise "Royal Naval Volunteers," not to exceed 30,000 men.

1. It shall be lawful for the lord high admiral, or commissioners for executing the office of lord high admiral, to raise and from time to time to keep up a number of men not exceeding thirty thousand, to be called "The Royal Naval Volunteers," such men to be raised by voluntary entry from among seafaring men and others who may be deemed suitable for the services in which such volunteers may be employed, and to be so raised and entered at such times and in such places in the United Kingdom and the islands of Man, Guernsey, Jersey, Alderney, and Sark, or any of them, by such persons and in such manner as the said lord high admiral or commissioners shall from time to time direct.

Term of service.

2. Every volunteer raised under this Act shall be entered for the term of five years, and shall continue subject as a volunteer to the provisions of this Act during such term, and no longer, save as herein-after otherwise provided; and at the expiration of every fifth year of the period of his service as a volunteer he shall be entitled to claim his discharge, save as herein-after provided; but when any volunteer shall be entitled to claim his discharge as aforesaid, he shall continue liable to the provisions of this Act until actually discharged from such volunteers by the said lord high admiral or commissioners, or by some officer duly appointed by him or them to give such discharges.

Volunteers may be trained and exercised for 28 days in each year, and on shore or on board ship.

3. The lord high admiral, or commissioners for executing the office of lord high admiral, may cause all or any of the volunteers under this Act to be instructed, trained, and exercised on shore or on board any ships or vessels, or partly on shore and partly on board any ships or vessels; and for the purpose of such instruction, training, and exercise all or any of such volunteers may be called out, and may be required to attend at such times and places, and may be placed under the command of such officers as the said

(1) Compare as to the Royal Naval Coast Volunteers, 16 & 17 Vict. c. 73., p. 136, *ante*, and as to volunteers raised in a colony, *see* Colonial Naval Defence Act, 1865 (28 & 29 Vict. c. 14.), s. 4., p. 372, *post*.

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lord high admiral or commissioners may think fit, and may form part of and be under the like command as the respective crews of any of her Majesty's ships or vessels of war which the said lord high admiral or commissioners may see fit to cause them to join: Provided always, that no volunteer shall under this enactment be required to attend instruction, training, and exercise more than twenty-eight days in the whole in any one year.

Her Majesty may order the volunteers to be called into actual service.

4. It shall be lawful for her Majesty, on such occasions as she shall deem fit (the occasion being first communicated to Parliament if Parliament be sitting, or declared in council and notified by proclamation if Parliament be not sitting or in being,) to order and direct that the volunteers under this Act, or so many or such part of them as her Majesty may deem necessary, shall be called into actual service.

Volunteers to be called into actual service accordingly.

5. Whenever her Majesty shall as aforesaid order all or any number or part of the volunteers under this Act to be called into actual service, the lord high admiral, or commissioners for executing the office of lord high admiral, shall cause the said volunteers, or such number or part of them as her Majesty may have ordered, to be called into actual service accordingly; and the volunteers so called into actual service shall be liable to serve on shore or on board any ships or vessels, or partly on shore and partly on board any ships or vessels, as the said lord high admiral or commissioners may direct; and such volunteers shall be placed under the command of such officers as the said lord high admiral or commissioners may direct, and where he or they may so direct, shall form part of the crews, and be under the like command as the respective crews of any of her Majesty's ships or vessels of war which the said lord high admiral or commissioners may see fit to cause them to join; and every such volunteer so called into actual service shall be liable to such service for the term of three years from the time of his coming into actual service, and at the expiration of such period he shall be entitled to be discharged from actual service: Provided always, that it shall be lawful for her Majesty, in case she see fit, on any emergency by proclamation to declare that such volunteers as may at the date of such proclamation be in actual service as aforesaid shall continue in such actual service for the period of five years from the date of their respectively coming into actual service, if their services be so long required, and such volunteers shall not be entitled to claim their discharge during such period, and every such volunteer who may be in actual service at the date of such proclamation shall be liable to such service accordingly; and every volunteer whose period of actual service is extended under or in consequence of such proclamation shall, beyond three years from the date of his coming into actual service, be entitled to receive for his services during the extra period for which they are required beyond such three years twopence per day in addition to his ordinary pay: Provided also, that in case any such volunteer be called into actual service, and shall be detained in such service

Volunteers to serve in navy three years.

The service of volunteers in actual service may be extended two years by proclamation.

Volunteers whose services are extended entitled to extra pay.

As to serving in the navy at intervals.

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for a period of less than five years, he shall, during the period of five years from the date of his joining the royal naval volunteers, be liable from time to time to be again called into actual service, and to serve therein for such period as with his former actual service will make up a period of five years actual service, but after three years actual service, either continuously or from time to time during his engagement as a royal naval volunteer, he will be entitled as aforesaid to twopence per day, in addition to his ordinary pay, for the period of his actual service beyond three years.

Volunteers when called out to be victualled in the same manner as seamen of the fleet.

6. The volunteers under this Act shall, for such time as they shall be called out for, and shall attend instruction, training, and exercise, be victualled in the same manner as seamen of the fleet; or if trained on shore and not victualled, they shall be entitled to a money allowance in lieu of provisions, at such rate per diem each as may be established on this behalf by the lord high admiral, or the commissioners for executing the office of lord high admiral; and for such time as they shall be in actual service under this Act they shall be entitled when on shore or afloat to the pay and other advantages of petty officers or seamen in the royal navy entered for ten years continuous and general service, according to the ratings which they may be found qualified to fill; and they shall be entitled to such conduct money in respect of travelling to and from any place at which they may be required to attend for instruction, training, and exercise, or for the purpose of entering into actual service as aforesaid, as may be allowed by the regulations made under this Act: Provided always, that any such volunteer who may be appointed, and be or perform the duties of a petty officer, shall be entitled to the pay and allowances of a petty officer in the royal navy of the same rank, in lieu of the pay and allowance of an able seaman in the navy.

Volunteer exempt from militia and from being a peace or parish officer;

and, under certain regulations, eligible for Greenwich Hospital.

7. Every volunteer under this Act shall, while he shall be such volunteer, be exempt from service in the militia, and from serving as a peace or parish officer, and upon his entering the royal naval volunteers he shall cease to be a royal naval coast volunteer, if then belonging to that force; and every such volunteer shall under such regulations as the lord high admiral, or the commissioners for executing the office of lord high admiral, may from time to time establish, be eligible for admission into the royal hospital at Greenwich, and be thereupon entitled to the same privileges and advantages as men who are, or may be, or have been in her Majesty's navy.

Provisions relating to billeting marines to extend to volunteers.

8. All provisions for the time being in force for and in relation to the billeting of the royal marines shall extend and be applicable to the volunteers under this Act during such time as they shall attend instruction, training, and exercise, or be in actual service; and all powers and authorities for or in relation to the billeting of the royal marines, which may be exercised by any

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colonel, commandant, or commanding officer of any division of royal marines, may, for the purpose of billeting such volunteers, be exercised by any officer in the royal navy holding the rank of commander, or any higher rank authorized in this behalf by the regulations made under this Act.

Admiralty to make regulations as to sums to be paid to volunteers for entering or re-entering under this Act.

9. It shall be lawful for the lord high admiral, or the commissioners for executing the office of lord high admiral, from time to time to make regulations as to the sums to be paid to volunteers under this Act, by way of periodical payment or allowance, in consideration of their entering under this Act, and to volunteers or persons who may have served as volunteers, in consideration of their re-entering under this Act, such periodical payment or allowance, during the term of service for which the volunteer is entered, to be paid in such portions, at such times, by such persons, and under such conditions as the said lord high admiral or the commissioners may from time to time direct: Provided always, that such periodical payments shall be paid in the United Kingdom, or in the islands of Man, Guernsey, Jersey, Alderney, and Sark, and nowhere else, and only to the volunteer himself, and not to his attorney, agent, or assign.

Admiralty to grant pensions to volunteers.

10. It shall be lawful for the lord high admiral, or the commissioners for executing the office of lord high admiral, to grant pensions to volunteers under this Act, with the consent of the commissioners of her Majesty's Treasury; and it shall be lawful for the said lord high admiral or commissioners to make regulations as to the amount, the time or respective times, and the manner of the payment of such pensions, and at what ages such pensions shall be payable: Provided always, that any pension conferred under this Act shall be paid to the pensioner himself only, and not to his agent, attorney, or assign.

In cases of emergency pensioners to join her Majesty's navy.

11. Whenever any emergency shall arise which, in the opinion of the lord high admiral, or the commissioners for executing the office of lord high admiral, renders it advisable to require the services in her Majesty's navy of any of the persons who may have been pensioned, and be in the receipt of pensions, under this Act, it shall be lawful for such lord high admiral or commissioners to order any of such persons to join her Majesty's navy; and those so ordered shall join such of her Majesty's ships or vessels of war as the said lord high admiral or commissioners may at any time or times direct, and shall form the crews or parts of the crews of such ships or vessels, and shall continue to serve in her Majesty's navy during such time as such emergency may in the opinion of the said lord high admiral or commissioners continue; and while so serving shall be entitled to the same pay and allowances, according to their respective ratings on board such ships or vessels, as petty officers in her Majesty's navy and men in her Majesty's navy entered for ten years continuous and general service, and shall also continue to receive their pensions.

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Laws and customs in force for the government of her Majesty's fleet to be applicable to pensioners while on actual service.

12. All the laws(1) and customs for the time being in force for the government of her Majesty's ships, vessels, and forces by sea, and applicable to any person in or belonging to the fleet, or to any person being in actual service and full pay, and part of the crew of any of her Majesty's ships or vessels, shall be applicable in like manner to every person pensioned under this Act during such period as he shall be in actual service, either on board any ship or vessel or otherwise under this Act; and every such person as aforesaid required to serve in the navy under this Act who shall not at or within such time as may be appointed by any order of the lord high admiral, or commissioners for executing the office of lord high admiral, made under this Act, appear for the purpose of entering into actual service, or join any of her Majesty's ships or vessels which he may be required to join for that purpose, shall be liable to be apprehended and punished in the same manner as any person belonging to her Majesty's navy, and deserting or improperly absenting himself from duty.

Admiralty to make regulations as to the manner or form in which volunteers shall be entered to serve.

13. It shall be lawful for the lord high admiral, or the commissioners for executing the office of lord high admiral, from time to time to make regulations as to the manner or form in which volunteers under this Act shall be entered to serve; and generally as to the entering and re-entering of men as such volunteers; and as to the arms, clothing, and accoutrements with which such volunteers are to be provided; and for forming such volunteers into divisions or classes, or other bodies, and assigning numbers to them; and as to the manner in which notices of the times and places at which such volunteers may be required to attend instruction, training, and exercise; and for the purpose of their entering into actual service under the provisions of this Act; and for securing and enforcing the attendance, good conduct, and discipline of and among such volunteers; and for imposing fines or forfeitures of pay, allowances, or pensions for misconduct and breach of discipline or of any such regulations; and as to the pay and allowances to officers commanding such volunteers; and generally as to all other matters and proceedings under this Act.

Admiralty may discharge volunteers.

14. It shall be lawful for the lord high admiral, or commissioners for executing the office of lord high admiral, in his or their discretion at any time to discharge any of the volunteers raised under this Act.

Laws relating to the government of the navy extended to volunteers during exercise, and to such volun-

15. All the laws(1) and customs for the time being in force for the government of her Majesty's ships, vessels, and forces by sea, and applicable to any person in or belonging to the fleet, or to any person being in actual service and full pay, and part of the crew of any of her Majesty's ships or vessels, shall be applicable in like manner to every volunteer under this Act during such

(1) *See* especially the Naval Discipline Act, 29 & 30 Vict. c. 109., p. 405, *post*, and 16 & 17 Vict. c. 69., p. 132, *ante*.

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period as he shall be on board any ship or vessel for the purpose of instruction, training, and exercise, or shall be otherwise under instruction, training, and exercise; and to every such volunteer during such time as he shall be in actual service, either on board any ship or vessel or otherwise under this Act; and to all officers having any command over any such volunteers during the time of instruction, training, and exercise, or while in actual service; and the said volunteers under this Act shall while in actual service have the same privileges of making allotments of wages and of making remittances, and otherwise have the benefit of and be subject to the provisions of the laws relating to the pay of the royal navy in like manner as officers and men of their respective ratings in her Majesty's navy; and the laws concerning the discharge of seamen serving on board her Majesty's ships, and becoming entitled to be discharged, shall be applicable to and for the discharge of any of the said volunteers.

Volunteers and others when in actual service.

16. If any person shall enter or attempt to enter the royal naval volunteers as a new volunteer more than once during the whole or any part of the same period of service, he shall for every such act forfeit and pay any sum not exceeding twenty pounds.

Penalty on joining the forces as a new volunteer more than once during the same period.

17. Every shipping-master acting under "The Merchant Shipping Act, 1854," shall give all the assistance in his power towards carrying into effect the objects of this Act in such manner as the Board of Trade, at the instance of the lords commissioners of the Admiralty, may direct; and every such shipping-master shall for this purpose have the power to call for such answers or information concerning reserve men from the masters of and other persons belonging to British merchant ships as may be necessary or desirable in order to enable him to render such assistance as aforesaid, or to make any returns which the Board of Trade or the lords commissioners of the Admiralty may require; and every master of or other person belonging to a British merchant ship, who, when duly called on by the shipping-master, omits or refuses to give any such answer or information as aforesaid, which it is in his power to give, shall be liable to a penalty not exceeding five pounds.

Information to be transmitted by shipping-master.

18. In case any officer, serjeant, or other person enlist any man to serve in her Majesty's regular forces, * * * or in the militia, or in the royal naval coast volunteers, who at the time of such enlisting is entered to serve as a volunteer under this Act; such enlisting shall be null and void; and in case any person enter any man to serve as a volunteer under this Act, who at the time of such entering is enrolled to serve in the militia, or belongs to the royal naval coast volunteers, such entering shall be null and void; and any such volunteer under this Act offering himself to be enlisted in her Majesty's regular forces, * * * or who shall be enlisted or enrolled or offer himself to be enlisted

Enlistment of volunteers under this Act in her Majesty's regular or Indian forces, or in the militia, or naval coast volunteers, and entering of militia as naval coast volunteers under this Act to be void.

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Punishment of persons offending.

or enrolled as a militiaman, or to serve in the royal naval coast volunteers, and every militiaman or any royal naval coast volunteer offering himself to be entered as a volunteer under this Act, shall, on conviction thereof, upon the oath of one witness before any justice of the peace in or near to the place where the offence shall be committed, or where the offender may at any time happen to be, be committed to the common gaol or house of correction for any term not exceeding six months; and any officer or other person knowingly enlisting or enrolling any volunteer under this Act to serve in her Majesty's regular forces, * * * * or in the militia, or in the royal naval coast volunteers, or knowingly entering any militiaman or royal naval coast volunteer to serve as a volunteer under this Act, shall for every such offence forfeit and pay any sum not exceeding twenty pounds: Provided always, that men may, on their application to that effect, be discharged by proper authority from the royal naval coast volunteers to be enrolled as volunteers under this Act.

Penalty on selling or buying arms, &c. of volunteers.

19. Any volunteer under this Act who shall sell, pawn, or lose any of his arms, clothes, accoutrements, or ammunition, slops or necessaries, or any of such articles provided for him under this Act, or refuse or neglect to return the same in good order to any person appointed by or under the authority of the lord high admiral, or commissioners for executing the office of lord high admiral, to receive the same, shall for every such offence forfeit any sum not exceeding three pounds; and every person who shall knowingly and wilfully buy, take in exchange, receive in pledge, or otherwise receive or conceal any arms, clothes, accoutrements, or ammunition, or slops or necessaries belonging to any such volunteer or provided for him under this Act, shall for every such offence forfeit and pay any sum not exceeding ten pounds, and the treble value of all or any of the articles so bought, taken in exchange, received, or concealed; and if any person shall prove, on oath before a justice of the peace or person exercising like authority, that there is reasonable cause to suspect that any person has in his or her possession, or on his or her premises, any such arms, clothes, accoutrements, or ammunition, or slops or necessaries, such justice or person may and he is hereby required to grant a warrant to search for such arms, clothes, accoutrements, and ammunition, and slops and necessaries, as in the case of stolen goods; and if upon search any such articles shall be found, the same shall and may be seized by the officer charged with the execution of such warrant, or any person aiding him therein, who shall bring the offender in whose possession or upon whose premises the same shall be found before such justice or person, to be dealt with according to law.

Penalty on volunteer for not attending training and exercise.

20. Every volunteer under this Act, unless absent from the United Kingdom, in conformity with the regulations that may be made at any time or times by the aforesaid lord high admiral

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or commissioners, or labouring under any infirmity incapacitating him, who shall not attend at any time and place, or on board the ship at or on board of which he shall be appointed to attend or join for the purpose of instruction, training, and exercise, according to the provisions of this Act, notice of his being required so to attend or join having been given in such manner as may be provided by any regulations made under this Act, and any volunteer who having so attended or joined afterwards deserts or absents himself during the time of such instruction, training, and exercise, shall be subject to a penalty not exceeding twenty pounds.

Persons not attending when called into actual service may be apprehended and punished as deserters from the navy.

21. If any such volunteer (being in the United Kingdom, and not labouring under any infirmity incapacitating him) required to serve in the navy under this Act shall not at or within such time as may be appointed by any order of the lord high admiral, or commissioners for executing the office of lord high admiral made under this Act, appear for the purpose of entering into actual service, or join any of her Majesty's ships or vessels which he may be required to join for that purpose, every such person so offending shall be liable to be apprehended and punished in the same manner as any person belonging to her Majesty's navy deserting or improperly absenting himself from duty.

Penalty for inducing volunteers to absent themselves, or harbouring or employing volunteers absenting themselves.

22. Every person who by words or other means shall persuade any volunteer under this Act to desert from the royal naval volunteers, or to be improperly absent from his duty, shall forfeit and pay any sum not exceeding twenty pounds for every such act, and every person who shall assist or procure any such volunteer to desert, or to be improperly absent as aforesaid, or shall conceal or employ or continue to conceal or employ any such volunteer, knowing him to be such a deserter or so improperly absent, shall for every such offence forfeit and pay any sum not exceeding thirty pounds.

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Summary jurisdiction.

24. All offences for which any pecuniary penalty or forfeiture is by this Act imposed shall and may be heard and determined by any justice of the peace in or near to the place where the offence shall be committed, or where the offender may at any time happen to be, and all such penalties and forfeitures, and any forfeiture of treble value, and also the reasonable costs attending the prosecution, to be duly ascertained and awarded by such justice, shall and may be enforced and recovered in the same manner as any pecuniary penalties may be recovered in England or Wales, under the provisions of an Act passed in the twelfth year of her Majesty's reign, intituled "An Act to facilitate "the performance of duties of justices of the peace out of sessions "within England and Wales, with respect to summary convictions "and orders": Provided always, that in all cases in which there shall not be sufficient goods whereon any penalty or forfeiture

11 & 12 Vict. c. 43.

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can be levied, the offender may be committed and imprisoned, with or without hard labour, [(1) for any time not exceeding six months,] which said Act shall be used and applied in Scotland and in Ireland for the recovery of all such pecuniary penalties and forfeitures, and forfeitures of treble value, as fully to all intents as if such Act had extended to Scotland and Ireland, anything in the said Act, or in an Act passed in a session holden in the fourteenth and fifteenth years of her Majesty's reign, intituled "An Act to consolidate and amend the Acts regulating "the proceedings of petty sessions, and the duties of justices of "the peace out of quarter sessions, in Ireland," or in any other Act, to the contrary notwithstanding.

14 & 15 Vict. c. 93.

Appropriation of penalties.

25. One moiety of every such penalty or forfeiture not including the treble value of any articles shall go to the person who shall inform or sue for the same, and the other moiety, together with the treble value of any articles, or where the offence shall be proved by the person who shall inform, then the whole of the penalty and such treble value shall be paid over and applied in such manner as the lord high admiral, or the commissioners for executing the office of lord high admiral, shall direct, anything in an Act passed in the sixth year of the reign of King William the Fourth, intituled "An Act to provide for the "regulation of municipal corporations in England and Wales," or in any other Act of Parliament, to the contrary notwithstanding; and every justice who shall adjudge any penalty under this Act shall within four days thereafter at the farthest report the same and his adjudication thereof to the secretary of the Admiralty.

5 & 6 Will. 4. c. 76.

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23 & 24 Victoria.—A.D. 1860.

Cap. LXV.

An Act to authorize the Commissioners of the Treasury to further regulate the Postage on re-directed Letters of Commissioned and Warrant Officers, Seamen, and Soldiers whilst on actual Service.(2)

[6th August 1860.]

3 & 4 Vict. c. 96.

WHEREAS an Act was passed in the session of Parliament holden in the third and fourth years of the reign of her

(1) The words in brackets are repealed as to England, 47 & 48 Vict. c. 43. s. 4.

(2) *See* 3 & 4 Vict. c. 96., p. 103, *ante*; 10 & 11 Vict. c. 85. s. 7., p. 125, *ante*.

By 38 & 39 Vict. c. 22. s. 14. it is enacted, that so much of the Post Office Duties Acts, 1840 to 1871, or of any warrant or regulations made thereunder, as is inconsistent with that Act, or with any warrant made under that Act, or as is expressed by any such warrant to be repealed, shall be repealed as from the date at which that Act, or the warrant made under that Act, as the case may be, with which it is so inconsistent, or by which it is expressed to be repealed, come into operation. *See* Revised Statutes, Vol. XIII., p. 623. The term "Post Office Duties Acts" includes, among others, 3 & 4 Vict. c. 96., 10 & 11 Vict. c. 85., and 23 & 24 Vict. c. 65.

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Majesty, chapter ninety-six, for the regulation of the duties of postage, and by the fourteenth section of the said Act, after reciting that letters and packets sent by the post were chargeable by law on being re-directed and again forwarded by the post with a new and distinct rate of postage, it was enacted that on every post letter re-directed (whether posted with any stamp thereon or not) there should be charged for the postage of such letter from the place at which the same should be re-directed to the place of ultimate delivery (in addition to all other rates of postage payable thereon) such a rate of postage only as the same would be liable to if pre-paid; and by the fifty-third section(1) of the said Act certain privileges were given and granted both to send and receive letters, at a reduced rate of postage, to seamen employed in her Majesty's navy, whether at home or abroad, and to serjeants, corporals, drummers, trumpeters, fifers, and private soldiers in her Majesty's regular forces, militia, fencible regiments, artillery, or royal marines, whether at home or abroad, whilst respectively actually employed in her Majesty's service, and to serjeants, corporals, drummers, trumpeters, fifers, and private soldiers in the service of the East India Company, whilst actually employed in the service of the company; but the letters of commissioned officers or warrant officers, whether in the army or navy, or midshipmen, or masters mates of the navy were not included in that provision; and it was declared that with respect to letters sent by any such privileged persons, and with respect to letters received by the post by any of the said privileged persons, certain conditions therein respectively mentioned and prescribed should be observed; and also that any letters received by the post under that enactment by any such privileged persons which might have been re-directed should not be charged any postage on or in respect of such re-direction: And whereas another Act was passed in the session of Parliament holden in the tenth and eleventh years of the reign of her Majesty, chapter eighty-five, for giving further facilities for the transmission of letters by post and for the regulating the duties of postage thereon, and for other purposes relating to the post office, and by the seventh section(2) of the said last-mentioned Act it was provided that the privilege given to seamen and soldiers by the said before-recited Act should be enjoyed by such seamen and soldiers, whether any such letters should be liable to any foreign postage or not, but subject to the payment of the foreign postage if any should be chargeable thereon: And whereas the like privileges were afterwards given and granted to seamen employed abroad in the service of the East India Company, whilst actually employed in the service of the company, by Treasury warrant duly made and bearing date the twenty-eighth day of November one thousand eight hundred and forty-four: And whereas another Act was passed in the session of Parliament holden in the twenty-first

10 & 11 Vict. c. 85.

(1) *See* p. 106, *ante*. (2) *See* p. 125, *ante*.

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and twenty-second years of the reign of her Majesty, chapter one hundred and six, for the better government of India, and by the fifty-sixth section of the said last-mentioned Act it was provided that the military and naval forces of the East India Company should be deemed to be the Indian military and naval forces of her Majesty: And whereas it is expedient to make further provision for enabling commissioned and warrant officers, seamen, and soldiers to receive their re-directed letters free of the re-directed rates of postage whilst actually employed in her Majesty's service: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to Treasury, by warrant, to authorize private letters of commissioned and non-commissioned officers, &c. to be delivered free of the foreign postage chargeable in respect of re-direction;

1. The commissioners of her Majesty's Treasury may from time to time, by warrant under their hands, authorize all letters received by the post on their own private concerns by commissioned officers and warrant officers whether in the army or the navy, and midshipmen and masters mates in the navy, whether at home or abroad, and by commissioned and warrant officers, midshipmen, and masters mates in her Majesty's Indian military and naval forces, and by seamen employed in her Majesty's navy, whether at home or abroad, and by serjeants, corporals, drummers, trumpeters, fifers, and private soldiers in her Majesty's regular forces, militia, fencible regiments, artillery, or royal marines, whether at home or abroad, and by serjeants, corporals, drummers, trumpeters, fifers, private soldiers, and seamen in her Majesty's Indian military and naval forces, whilst respectively actually employed in her Majesty's service to be delivered to all such persons respectively free of foreign postage chargeable on or in respect of re-direction on such letters when such letters shall have been re-directed and again forwarded by the post and transmitted or sent through any foreign country, (the several conditions imposed by the said fifty-third section of the before-recited Act of the third and fourth Victoria, chapter ninety-six, with respect to letters received by the post by the privileged persons therein mentioned being duly observed with respect to letters to be received by the post by such seamen, serjeants, corporals, drummers, trumpeters, fifers, and private soldiers respectively as aforesaid,) and may also from time to time, by warrant under their hands, reduce or remit the rates of postage, British or colonial, which may be chargeable by law on or in respect of re-direction on all letters received by the post on their own private concerns by commissioned officers and warrant officers whether in the army or navy, and midshipmen and masters mates in the navy, whether at home or abroad, and by commissioned officers and warrant officers, midshipmen and masters mates in her Majesty's Indian military and naval forces, whilst respectively actually employed in her Majesty's service, which shall have been re-directed and again forwarded by the post.

or to reduce rates of British or colonial postage.

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2. Any printed copy of the London Gazette in which any warrant or order issued or made under or by virtue of this Act, or purporting so to be, shall be published shall be admitted as evidence by all courts, judges, justices, and others of such warrant or order, and of the due making and issuing thereof, and of the contents of any such warrant, without any further or other proof of such warrant. London Gazette to be evidence of due issuing of such warrant.

3. This Act shall be deemed and considered a post office Act, and the several terms and expressions used therein shall be construed according to the respective interpretations contained or referred to in the said Act of the third and fourth years of the reign of her Majesty, chapter ninety-six.(1) Act to be deemed a post office Act.

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24 & 25 Victoria.—A.D. 1861.

CAP. XIII.

An Act to enable the Admiralty to acquire Property for the Enlargement of the Royal Marine Barracks in the parish of East Stonehouse, in the county of Devon.(2)

[17th May 1861.]

WHEREAS it is expedient for her Majesty's service that the royal marine barracks in the parish of East Stonehouse in the county of Devon should be enlarged, and for that purpose that the commissioners for executing the office of lord high admiral of the United Kingdom of Great Britain and Ireland, herein-after styled "the commissioners," should be authorized by this Act to acquire the lands herein-after referred to: And whereas a plan and book of reference have been deposited with the clerk of the peace for the county of Devon, showing what land it is considered necessary for the said commissioners to acquire for the purpose aforesaid: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. For the construction of this Act, the word "ways" shall mean turnpike roads, highways, streets, lanes, opes, occupation roads or ways, footpaths, causeways, passages, and other ways of every kind soever; the words "special Act" in the Act incorporated herewith shall mean this Act; and the words "promoters of the undertaking" and "company" in the Act incorporated Interpretation of terms.

(1) *See* 3 & 4 Vict. c. 96. s. 71., p. 107, *ante*, compared with 7 Will. 4. & 1 Vict. c. 36. s. 47., p. 85, *ante*.

(2) *See* the Admiralty Lands and Works Act, 1864, 27 & 28 Vict. c. 57., p. 358, *post*, and the Admiralty Powers, &c. Act, 1865, 28 & 29 Vict. c. 124., p. 392, *post*.

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herewith shall mean the commissioners; the word "lands" shall include lands, messuages, buildings, tenements, and hereditaments of every description and of every tenure, and all public and private rights, liberties, appurtenances, easements, and privileges of every description, in, over, upon, under, or through any lands, messuages, tenements, or hereditaments; the word "person" shall include a body corporate.

Certain clauses of 8 & 9 Vict. c. 16. incorporated.

2. The several provisions of "The Lands Clauses Consolidation Act, 1845," except sections 11, 12, 13, 14, 15, 16, 17, 123, 127, 128, 129, 130, 131, 132, 133, 134, 140, 148, 150, and 151 of such Act, shall, so far as the same provisions may be respectively applicable to and are not inconsistent with or modified by the provisions of this Act, be incorporated with and form part of this Act, as if re-enacted herein, and shall be applicable to the purposes hereof.(1)

Power to Admiralty to purchase lands delineated on deposited plan.

3. Subject and according to the provisions of this Act, it shall be lawful for the commissioners, if they think fit, at any time hereafter to purchase or take all or any of the lands delineated on the said plan and mentioned in the said book of reference so deposited with the clerk of the peace for the county of Devon as aforesaid, or any estate, lease, term, share or interest thereof or therein, which they may at any time or times consider requisite, and for the purposes of any such purchase or taking as aforesaid to enter into, execute, and make and do all such contracts, assurances, and things as may seem to them necessary or proper; and when so purchased or taken the same lands shall be and become and continue vested in the commissioners and their successors in office for the time being, according to the nature and quality thereof respectively, and to the estate, term, share, or interest acquired therein respectively by the commissioners to be held and enjoyed by the commissioners for the time being in succession in trust for her Majesty, her heirs and successors for the public service.

Power to Admiralty to stop up certain ways delineated on deposited plan.

4. After the commissioners shall have purchased or acquired all or any of the said lands, it shall be lawful for them, without any writ being issued or other legal proceeding being adopted, to stop up or alter all or any or any part or parts of the ways delineated on the said plan and mentioned in the said book of reference; and the sites of the said ways or of any part or parts thereof which may be so stopped up shall vest absolutely in the commissioners and their successors in office for ever, in manner herein-before provided with respect to lands purchased by them under or by virtue of this Act.

Power to Admiralty to stop up certain sewers, &c.

5. It shall be lawful for the commissioners, without any writ being issued or other legal proceeding being adopted, to stop up or divert all or any of the sewers, drains, or pipes, be the same

(1) But see as to the time within which compulsory powers of purchase given by this Act must be exercised, s. 25., p. 288, *post*.

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for gas or water or other purposes, in, under, or through any of the lands acquired or to be acquired by them under this Act, they, at the cost of her Majesty, if necessary, previously making, opening, or laying down another good and sufficient sewer, drain, or pipe in lieu of any diverted or stopped up, and at such convenient distance therefrom as to the commissioners shall seem proper and necessary; and upon such substituted sewer, drain, or pipe being completed or opened, or in case the same shall not be necessary, then as soon as possession shall be taken by the commissioners, the site of such sewer, drain, or pipe diverted or stopped up, and all interest therein, shall vest absolutely in the commissioners and their successors for ever, in manner hereinbefore provided with respect to lands purchased, taken, or acquired by the commissioners under this Act; and the new sewer, drain, or pipe shall vest in the same commissioners, trustees, or other persons, and for the same estate and interest, in whom and for which the sewer, drain, or pipe so diverted or stopped up was vested at the time of the diversion or stoppage thereof by the commissioners.

Power to Admiralty to enter lands, for survey, &c.

6. It shall be lawful for the commissioners, their surveyors, officers, agents, servants, and workmen, at all reasonable times, and causing as little damage or inconvenience as may be, to enter into or upon any such lands as the commissioners are empowered to take under this Act, and to survey and value the same, without being liable to any suit or action in respect thereof.

Lands purchased liable to land tax to continue so.

7. All lands purchased, taken, or acquired under the authority of this Act which may be charged with the land tax shall continue liable thereto as they would have been had such lands not been so purchased, taken, or acquired, but so, nevertheless, that the commissioners shall have power to redeem the land tax, under the Acts in that behalf made, if and when they think fit.

Lands purchased liable to water rates to continue so.

8. All lands taken, purchased, or acquired under the authority of this Act which at the passing of the same may be charged or chargeable with the "public water rate," under or by virtue of the East Stonehouse Waterworks Act, 1851, shall be liable thereto as they were at the passing of this Act or would hereafter be had such lands not been so purchased, taken, or acquired, but so nevertheless that such lands shall not be assessed at any higher value or rent than that at which such lands were assessed at the passing of this Act, but shall be subject to the same proportionate reduction of the public water rate as may hereafter be made generally in respect of other rateable property within the said parish.

As to the person to be rated under 14 & 15 Vict. c. cxi.

9. For the purpose of assessments made or to be made under the East Stonehouse Waterworks Act, 1851, the barrack master for the time being of the royal marine barracks in the parish of

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East Stonehouse shall be deemed to be the occupier of all lands purchased, taken, or acquired under the authority of this Act, and the name of that officer shall be inserted accordingly in all assessments made by the East Stonehouse waterworks commissioners under the authority of the East Stonehouse Waterworks Act, 1851, and demand of payment made in writing at the office of such barrack master shall be deemed a good demand for all purposes of recovering such public water rate.

Supply of water to be continued in respect to purchased lands.

10. The East Stonehouse water commissioners shall after the passing of this Act, if at any time or times required by the commissioners by writing under the hand of their secretary, furnish and supply, upon the lands taken, purchased, or acquired under the authority of this Act, for the use of the commissioners and of the officers, men, and others in the said barracks, the same supply of water as the said East Stonehouse water commissioners do and could have been required to furnish and supply to and in respect of the same lands at the time of the passing of this Act; and in case at any time hereafter any general increase in the supply of water shall be made to the inhabitants rated under the East Stonehouse Waterworks Act, a proportionate increase shall, if at any times or time required by the commissioners in writing as aforesaid, be also made in respect of the purchased lands.

Services of notices, &c.

11. Any notice, summons, writ, or other document required to be served on the commissioners for the purposes of this Act may be served by being delivered to their solicitor for the time being, or by being sent to him by post addressed to him either at his office or at the Admiralty, Whitehall, London, or by being left for him at one of those places, and any notice, summons, writ, or other document required to be given by, from, or on behalf of the commissioners, for the purposes of this Act, shall be given under the hand of their solicitor for the time being.

Power to Admiralty to withdraw notice for taking of lands, but without prejudice to claims of owners.

12. If in any case, after notice has been given by the commissioners for the taking of any lands under this Act, it appears to them, from a change of circumstances or other reasons, unnecessary or inexpedient to complete the taking of such lands or any part thereof, it shall be lawful for them to give a further notice to the effect that they thereby withdraw the notice for the taking of the lands comprised in the first notice, or such part thereof as they may think fit, and thereupon the lands comprised in the notice of withdrawal shall be wholly discharged from the effect of the first notice, and may be dealt with as if the first notice had not been given, and the commissioners shall be wholly discharged from any obligation to take such lands; without prejudice, nevertheless, to any claim of the owner of such lands for compensation for such damage (if any) as he may have sustained in consequence of the giving of the first notice; provided that every such notice of withdrawal be given within two months after the giving of the first notice; provided also, that

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nothing in this enactment contained shall be construed to give to any person receiving from the commissioners a notice for the taking of lands any further or other right as against the commissioners than he would have had if this enactment had not been contained in this Act.

Errors on plan and in book of reference may be corrected by two justices, who shall certify the same.

13. If any omission, mis-statement, or wrong description shall have been made of any lands, or of the owners, lessees, or occupiers of any lands, described on the said plan or in the said book of reference so deposited as aforesaid, the commissioners, after giving ten days' notice to the owners, lessees, and occupiers of the lands affected by such proposed correction, may apply to two justices of the peace for the correction thereof; and if it appear to such justices that such omission, mis-statement, or wrong description arose from mistake, they shall certify the same accordingly, and shall in such certificate state the particulars of any such omission, mis-statement, or wrong description; and such certificate, with the other documents to which it relates, shall be deposited with the clerk of the peace for the county of Devon, and such certificate shall be kept by such clerk of the peace with the other documents to which they relate, and thereupon such plan or book of reference shall be deemed to be corrected according to such certificate, and the commissioners may acquire the lands mentioned in such certificate, under or by virtue of this Act, as if such omission, mis-statement, or wrong description had not been made.

Certificate, &c. to be deposited.

Power to Admiralty to give undertaking in lieu of bond.

14. In lieu of a bond, and with the same effect as if a bond were given as mentioned in sections 85 and 87 of the Lands Clauses Consolidation Act, 1845, it shall be lawful for the commissioners to give to the person who under the said Act would otherwise be entitled to such bond a written undertaking, without any surety therein, for such payment or deposit as in and by the said Act is in that behalf provided, and according to the condition of such bond as therein is prescribed, so far as such provisions and conditions respectively shall and may be applicable to proceedings under this Act, and the commissioners shall not be required or be liable to be called upon to give any such bond.

Power to the Admiralty to sell, &c. lands not wanted.

15. It shall be lawful for the commissioners from time to time to sell, exchange, or in any manner dispose of or to let or demise any lands acquired by or vested in them under this Act which at any time shall not, in the opinion of the commissioners, be required for the public service, and in case of a sale to sell the same, either by public auction or by private contract, and it shall be lawful for them to convey, surrender, and assign, or to grant or demise the same or any part thereof, to any person who shall be willing to purchase or take the same, and for that purpose to make and execute all such conveyances, assurances, leases, and agreements as may be thought proper, and it shall also be lawful for the commissioners to do any other act, matter,

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or thing in relation to lands acquired by or vested in them under this Act which shall by them be deemed beneficial for the public service in relation thereto, or for the better management thereof, and which might be done by any other person having in such lands the like estate, term, share, or interest as they shall have therein; and all lands obtained by the commissioners in exchange shall vest in the commissioners and their successors in manner herein-before provided with respect to lands purchased by the commissioners.

How purchase money to be paid.

16. The monies to arise and be produced by sale or exchange, or which may be paid by way of premium for any lease of any lands which shall be sold, let, exchanged, conveyed, or surrendered by the commissioners, under the provisions of this Act, shall be paid by the purchaser or lessee thereof, or the person making any such exchange, to her Majesty's paymaster general for the time being, whose receipt for such monies, endorsed on the conveyance, assurance, or lease, shall effectually discharge the purchaser or person by whom or on whose account the same shall be so paid.

On payment of money purchasers to stand seised of lands purchased by them.

17. Immediately from and after the payment of any such monies, and the execution of any such conveyance, assurance, or lease as aforesaid by the commissioners, the purchaser or lessee therein named shall be deemed to stand seised or possessed of the lands thereby conveyed or made over or leased to him, or (as the case may require) the lands taken in exchange from the commissioners shall go to the uses therein expressed or referred to, in every case freed and absolutely discharged of and from all and all manner of prior estates, rights, interests, charges, incumbrances, and demands whatsoever which can or may be had, made, or set up in respect of the lands so conveyed, made over, leased, or taken in exchange by any person whomsoever, by, from, under, or in trust for her Majesty, her heirs and successors, or on any account whatsoever, save and except such estates, rights, interests, charges, incumbrances, claims, and demands (if any) as in any such conveyance, assurance, or lease shall be excepted.

Admiralty may sue and be sued, and pay and recover costs.

18. It shall be lawful for the commissioners to bring, prosecute, and maintain any action of ejectment or other proceeding at law or in equity for recovering possession of any lands required by or vested in them under this Act, and to distrain or sue for any arrears of rent which shall become due for or in respect thereof under any parol or other demise from the commissioners, and also to bring, prosecute, and maintain, or to defend, any other action or suit in respect of such lands, or of any trespass or encroachment committed thereon, or damage or injury done thereto; and in every such action, proceeding, or suit by or against the commissioners they shall be called "The "Commissioners for executing the Office of Lord High Admiral "of the United Kingdom," without any of them being named;

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and no such action or suit shall abate by the death, resignation, or removal of the commissioners or any of them, and the commissioners shall in all such actions, suits, and proceedings be entitled to recover and be liable to pay costs as in ordinary actions, suits, and proceedings between subject and subject.(1)

Purchase money, &c. how to be provided.

19. All monies which under this Act shall be agreed to be paid by or shall be recovered against the commissioners by way of purchase or compensation money, or damages, costs, or otherwise, shall be paid by monies to be provided and appropriated for that purpose by Parliament.

Provisions of this Act may apply to any of the said lands already purchased.

20. The provisions of this Act shall, so far as the commissioners may at any time or times deem expedient for effecting any of the objects of this Act, extend and be applicable to any of the said lands purchased or taken or agreed to be purchased or taken by them before the passing of this Act, as also to all the lands which shall hereafter be purchased or taken by virtue of this Act.

Nothing to lessen powers of Admiralty.

21. Nothing in this Act shall extend to take away, lessen, or prejudice any powers, rights, or authorities which would or might have been vested in or exercised by the commissioners if this Act had not been passed.

Protection to commissioners.

22. The commissioners shall not, by reason of anything done or omitted to be done under this Act, be liable, collectively or individually, to any fine, penalty, or forfeiture, or to execution of any process against the person or property.

Any two commissioners may execute powers.

23. All acts, deeds, matters, and things hereby authorized to be done or executed by the commissioners, and all powers and authorities hereby given to or conferred upon the commissioners, may be done, executed, and exercised by any two of them, and when so done, executed, or exercised the same shall be as valid and effectual as if the same were and had been done, executed, or exercised by all the commissioners, and all privileges hereby given to the commissioners shall be enjoyed and may be exercised by any two of them.

Lord high admiral to have the same powers as commissioners of Admiralty.

24. If it shall please her Majesty, her heirs and successors, to appoint a lord high admiral of the United Kingdom, then, and so long and as often as there shall be a lord high admiral of the United Kingdom, all the powers, privileges, and exemptions vested in or given to and all the lands vested in the commissioners under or by virtue of this Act shall be and become vested in the lord high admiral of the United Kingdom for the time being, and all such lands shall vest in him according to the nature and quality thereof respectively, and to the estate, term, share, or interest acquired therein respectively by him or the commissioners in trust for her Majesty, her heirs and successors,

(1) But see as to the power of the Admiralty to institute actions, &c., the Admiralty Suits Act, 1868 (31 & 32 Vict. c. 78.), ss. 3. and 4., p. 463, *post*.

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for the public service; and in any action or suit respecting any such lands the lord high admiral shall be called "The Lord High "Admiral of the United Kingdom," without being named; and no such action or suit shall abate by the death, resignation, or removal of any lord high admiral; and in the construction of the said incorporated provisions in connexion with this Act the lord high admiral for the time being shall be deemed to be himself solely the promoter of the undertaking, and he shall have sole authority for carrying this Act into effect, and generally in all respects as far as may be the lord high admiral for the time being shall come in place of the commissioners for the purpose of this Act.

Powers for compulsory purchases limited.

25. The compulsory powers hereby given for effecting the purchases of and taking lands shall not be exercised after the expiration of five years from the passing of this Act.

Short title.

26. This Act may be cited as "The Plymouth Marine Barracks Act, 1861."

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24 & 25 Victoria.—A.D. 1861.

CAP. XLI.

An Act to enable the Admiralty to acquire Property for the Enlargement of Her Majesty's Dockyard at Chatham in the County of Kent, and to embank Part of the River Medway; and for other Purposes connected therewith.(1) [22d July 1861.]

WHEREAS it is expedient for her Majesty's service that her Majesty's dockyard at Chatham in the county of Kent should be enlarged, and for such purpose that the commissioners for executing the office of lord high admiral of Great Britain and Ireland (herein-after styled the commissioners) should have the powers herein-after mentioned conferred upon them: And whereas plans and sections and a book of reference relating to the enlargement of the said yard and to the embankments and works herein-after referred to have been deposited with the clerk of the peace for the county of Kent: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Interpretation of terms.

1. In the construction of this Act—

The word "ways" shall mean turnpike roads, highways, streets, lanes, occupation roads or ways, footpaths, causeways, passages, and other ways of every kind soever:

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(1) *See* the Admiralty Lands and Works Act, 1864, 27 & 28 Vict. c. 57., p. 358, *post*, the Admiralty Powers, &c. Act, 1865, 28 & 29 Vict. c. 124., p. 392, *post*, and the Admiralty Suits Act, 1868, 31 & 32 Vict. c. 78., p. 462, *post*.

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The word "lands" shall include lands, messuages, buildings, tenements, landing places, wharves, fisheries, and hereditaments of every description and every tenure, and all public and private rights, liberties, appurtenances, easements, and privileges of every description, in, over, upon, under, or through any lands, messuages, tenements, and hereditaments:

The words "special Act" in the Act incorporated herewith shall mean this Act, and the words "promoters of the "undertaking" and "company" in the Act incorporated herewith shall mean the commissioners:

The word "person" shall include a body corporate.

Certain clauses of 8 & 9 Vict. c. 18. incorporated.

2. The several provisions of "The Lands Clauses Consolidation "Act, 1845," except sections 11, 12, 13, 14, 16, 17, 123, 127, 128, 129, 130, 131, 132, 133, 134, 140, 148, 150, and 151. of such Act, shall, so far as the same provisions may be respectively applicable to and not inconsistent with or modified by the provisions of this Act, be incorporated with and form part of this Act as if re-enacted herein, and shall be applicable to the purposes hereof.(1)

Power to Admiralty to purchase lands.

3. Subject and according to the provisions of this Act, it shall be lawful for the commissioners, if they think fit, at any time hereafter to purchase or take all or any of the lands delineated on the said plans and mentioned in the said book of reference so deposited with the clerk of the peace for the county of Kent as aforesaid, or any estate, lease, term, share, or interest thereof or therein, and to vary or extinguish any rights or privileges connected with any of such lands which they may at any time consider requisite for the enlargement or improvement of the said dockyard, or for the purposes of this Act, and to enter into, execute, and make and do all such contracts, assurances, and things as may seem to them necessary or proper in that behalf, and when so purchased or taken the same lands shall be and become and continue vested in the commissioners and their successors in office for the time being, according to the nature and quality thereof respectively, and to the estate, term, share, or interest acquired therein respectively by the commissioners, to be held and enjoyed by the commissioners for the time being in succession in trust for her Majesty, her heirs and successors, for the public service, or as the commissioners or their successors in office may at any time or times direct.

Power to the commissioners to stop up creeks and abolish landing places, ferries, and roads.

4. When the commissioners shall have acquired or purchased in perpetuity the fundus or soil of Saint Mary's Creek, otherwise Swinborough Creek, in the parishes of Chatham and Gillingham, or one of them, in the county of Kent, and of any other creek or inlet shown on the said plans or one of them, and have compensated the mayor and aldermen and company of Free Dredgers of the city of Rochester for the destruction of the fishery in the

(1) But see as to the time within which compulsory powers of purchase given by this Act must be exercised, s. 27., p. 297, *post*.

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said creeks, or any or either of them, it shall be lawful for the commissioners, without any writ being issued or other legal proceeding being adopted, to embank and stop up both or either of the ends of such creeks, or of any or either of them, the fundus or soil of which shall have been so purchased or acquired, and in respect of which compensation for the destruction of the said fishery shall have been made as aforesaid, and to reclaim the fundus or soil and divert the waters of such creeks or any or either of them, and to abolish the ferry across the river Medway from the hard or landing-place called Prince's Bridge to and from the opposite shore of the said river at Upnor, and to stop up and abolish the highway, carriageway, and footpath passing on the outside of and adjacent to the eastern and northern boundary walls of her Majesty's dockyard at Chatham, extending from the lower end of Westcourt Street in the town of Brompton in the parish of Chatham in the county of Kent to the said hard or landing-place called Prince's Bridge, and the ends nearest the said highway, carriageway, and footpath of all ways leading into, across, or from the said highway, carriageway, and footpath, passing on the outside of or adjacent to the said boundary walls, and also all ways over, through, or across any of the lands acquired or to be acquired under the provisions of this Act, and also to abolish the hards or landing-places at Prince's Bridge and Gillingham Bridge, and the parish wharf near thereto, or any or either of them, or any part or parts thereof; and the fundus or soil of the said creeks and each of them, when so purchased or acquired respectively as aforesaid, and of the said hards and landing-places, and the site and soil of the said highway, carriageway, and footpath, shall vest absolutely and exclusively in the commissioners, as is herein provided with respect to lands purchased, taken, or acquired by the commissioners under this Act; and it shall be lawful for the commissioners to make such openings in the embankments or walls of the said creeks, or any or either of them, at any time or times, as they the commissioners may deem expedient for her Majesty's service.

Before abolishing certain existing landing places Admiralty to construct a public wharf at eastern side of proposed new boundary wall of dockyard.

5. Notwithstanding anything in this Act contained, the commissioners shall, before abolishing the said ferries or landing-places called respectively Prince's Bridge and Gillingham Bridge, and taking possession of the wharf and land belonging to the said parish of Gillingham, and the roads approaching thereto, construct and complete a public wharf up to low-water mark at spring tides for the said parish as near as may be to the eastern side of the proposed new boundary wall of the said dockyard, such wharf to be of the length of six hundred feet or thereabouts, with a wharf one hundred feet in width for the whole length, with an inclined road or draw dock for loading and unloading barges, and shall in carrying out the arrangement give adequate and sufficient protection from the sea up Gillingham Reach for vessels when lying alongside the wharf, either by an embankment carried along the line of low-water mark and

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raised above high-water mark, or by forming the opposite or east wall of the Camber, or by placing the Camber itself and draw dock on the west side of the wharf, or in some manner to the satisfaction of the board of surveyors of the said parish of Gillingham, which may be equally efficient, and also make proper and sufficient roads and approaches to the said wharf to and from the high road near thereto, and that the expenses of the solicitor and engineer of the board of surveyors connected with this clause up to the insertion thereof, and any necessary expenses for conveying to the commissioners the said wharf and land, hards, landing-places, highways, carriageways, and footpaths authorized to be stopped up and abolished by this Act, and for vesting the new wharf and the roads approaching thereto in the board of surveyors of the parish of Gillingham, shall be defrayed by the commissioners; but the board of surveyors of the said parish of Gillingham shall not be entitled to any pecuniary or further compensation for such conveyance by them to the commissioners.

Power to the commissioners to make embankments.

6. It shall be lawful for the commissioners to make at any time or times such other embankments or walls in the river Medway and on its shores or banks as they may think fit, either on the sites indicated on the said plans and sections or any of them, or anywhere within the limits of deviation marked thereon, and to purchase or acquire the fundus or soil of such parts of the river Medway, and of any of its creeks or inlets, and of its shores or banks, as may be necessary for such embankments or walls, and to have or leave within the same such parts of such fundus or soil, and to make such openings, culverts, quays, hards, landing places, and wharves in, through, or upon all or any of such embankments or walls, or any of the lands acquired or to be acquired under this Act, as the commissioners may at any time or times deem necessary; and after such respective purchases or acquisitions the sites of such embankments or walls, and the fundus or soil of such parts of the river Medway and of its creeks and inlets, and of its shores or banks, as may be within the same, shall vest absolutely and exclusively in the commissioners for the purposes of this Act.

Power to Admiralty to stop up sewers, &c.

7. It shall be lawful for the commissioners, without any writ being issued or other legal proceeding being adopted, to stop up or divert or alter all sewers, streams, watercourses, drains, or pipes, be the same for gas or water or other purposes, in, under, or through, or affecting any of the lands acquired or to be acquired by them under this Act, they, at the cost of her Majesty, if necessary, previously making, opening, or laying down another good and sufficient sewer, drain, or pipe, or a good and sufficient course for the stream or watercourse, in lieu of any such diverted, altered, or stopped up, and at such convenient distance therefrom as to the commissioners shall seem proper and necessary; and upon such substituted sewer, drain, pipe, or course being completed or opened, or in case the same shall not be necessary then,

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as soon as possession shall be taken by the commissioners, the site of so much of any such sewer, stream, watercourse, drain, or pipe diverted, altered, or stopped up as lies or passes in, under, over, or across any of the lands acquired or to be acquired under the provisions of this Act, and all interest therein, shall vest absolutely in the commissioners and their successors for ever, in manner herein-before provided with respect to lands purchased, taken, or acquired by the commissioners under this Act, and the new sewer, drain, pipe, or course shall vest in the same bodies corporate, commissioners, trustees, or other persons, and for the same estate and interest, in whom and for which the sewer, drain, pipe, or the course of the stream or watercourse so diverted, altered, or stopped up was vested at the time of the diversion, alteration, or stoppage thereof by the commissioners.

Power to survey.

8. It shall be lawful for the commissioners, their surveyors, officers, agents, servants, and workmen, at all reasonable times, and causing as little damage or inconvenience as may be, to enter into or upon any such lands as the commissioners are empowered to take under this Act, and to survey and value the same, without being liable to any action or suit in respect thereof.

Lands purchased to be liable to land tax.

9. All lands purchased, taken, or acquired under the authority of this Act which may be charged with the land tax shall continue liable thereto as they would have been had such lands not been so purchased, taken, or acquired, but so nevertheless that the commissioners shall have power to redeem the land tax, under the Acts in that behalf made, if and when they think fit.

Services of notices, &c.

10. Any notice, summons, writ, or other document required to be served on the commissioners for the purposes of this Act may be served by being delivered to their solicitor for the time being, or by being sent to him by post addressed to him, either at his office or at the Admiralty, Whitehall, London, or by being left for him at one of those places; and any notice, summons, writ, or other document required to be given by, from, or on behalf of the commissioners for the purposes of this Act shall be given under the hand of their solicitor for the time being.

Power for Admiralty to withdraw notice.

11. If in any case, after notice has been given by the commissioners for the taking of any lands under this Act, it appears to them, from a change of circumstances or other reasons, unnecessary or inexpedient to complete the taking of such lands or any part thereof, it shall be lawful for them to give a further notice to the effect that they thereby withdraw the notice for the taking of the lands comprised in the first notice, or such part thereof as they may think fit, and thereupon the lands comprised in the notice of withdrawal shall be wholly discharged from the effect of the first notice, and may be dealt with as if the first notice had not been given, and the commissioners shall be wholly discharged from any obligation to take such lands, without prejudice never-

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theless to any claim of the owner of such lands for compensation for such damage (if any) as he may have sustained in consequence of the giving of the first notice; provided that every such notice of withdrawal be given within two months after the giving of the first notice; provided also, that nothing in this enactment contained shall be construed to give to any person receiving from the commissioners a notice for the taking of lands any further or other right as against the commissioners than he would have had if this enactment had not been contained in this Act.

Errors on plan or in book of reference may be corrected by justices who shall certify the same.

12. If any error, omission, mis-statement, or wrong description shall have been made of any lands, or of the owners, lessees, or occupiers of any lands, described on the said plans or sections or in the said book of reference deposited as aforesaid, the commissioners, after giving ten days notice to the owners, lessees, and occupiers of the lands affected by such proposed correction, may apply to two justices of the peace for the correction thereof; and if it appear to such justices that such error, omission, mis-statement, or wrong description arose from mistake, they shall certify the same accordingly, and shall in such certificate state the particulars of any such error, omission, mis-statement, or wrong description; and such certificate, with the other documents to which it relates, shall be deposited with the clerk of the peace for the county of Kent; and such certificate shall be kept by such clerk of the peace with the other documents to which they relate, and thereupon such plans, sections, or book of reference shall be deemed to be corrected according to such certificate, and the commissioners may acquire the lands mentioned in such certificate, under or by virtue of this Act, as if such error, omission, mis-statement, or wrong description had not been made.

Certificate, &c. to be deposited.

Undertaking in lieu of bond.

13. In lieu of a bond, and with the same effect as if a bond were given, as mentioned in sections eighty-five and eighty-seven of "The Lands Clauses Consolidation Act, 1845," it shall be lawful for the commissioners to give to the person who under the said Act would otherwise be entitled to such bond a written undertaking, without any surety therein, for such payment or deposit as in and by the said Act is in that behalf provided, and according to the condition of such bond as therein is described, so far as such provisions and conditions respectively shall and may be applicable to proceedings under this Act, and the commissioners shall not be required or be liable to be called upon to give any such bond.

Power for the Admiralty to sell and let lands.

14. It shall be lawful for the commissioners from time to time to sell, exchange, or in any manner dispose of or to let or demise any lands acquired by or vested in them under this Act, which at any time shall not in the opinion of the commissioners be required for the public service, and in case of a sale to sell the same either by public auction or by private contract, and it shall be lawful for them to convey, surrender, and assign, or to grant or demise the same or any part thereof, to any person who shall

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be willing to purchase or take the same, and for that purpose to make and execute all such conveyances, assurances, leases, and agreements as may be thought proper, and it shall also be lawful for the commissioners to do any other act, matter, or thing in relation to lands acquired by or vested in them under this Act which shall by them be deemed beneficial for the public service in relation thereto, or for the better management thereof, and which might be done by any other person having in such lands the like estate, term, share, or interest as they shall have therein, and all lands obtained by the commissioners in exchange shall vest in the commissioners and their successors in manner herein-before provided with respect to lands purchased by the commissioners.

How purchase money to be paid.

15. The monies to arise and to be produced by sale or exchange, or which may be paid by way of premium for any lease, of any lands which shall be sold, let, exchanged, conveyed, or surrendered by the commissioners under the provisions of this Act, shall be paid by the purchaser or lessee thereof, or the person making any such exchange, to her Majesty's paymaster general for the time being, whose receipt for such monies (endorsed on the conveyance, assurance, or lease,) shall effectually discharge the purchaser or person by whom or on whose account the same shall be so paid.

On payment of money purchasers to stand seised of lands purchased by them.

16. Immediately from and after the payment of any such monies, and the execution of any such conveyance, assurance, or lease as aforesaid, by the commissioners, the purchaser or lessee therein named shall be deemed to stand seised or possessed of the lands thereby conveyed or made over or leased to him, or (as the case may require) the lands taken in exchange from the commissioners shall go to the uses therein expressed or referred to, in every case freed and absolutely discharged of and from all and all manner of prior estates, rights, interests, charges, incumbrances, and demands whatsoever which can or may be had, made, or set up in respect of the lands so conveyed, made over, leased, or taken in exchange by any person whomsoever, by, from, under, or in trust for her Majesty, her heirs and successors, or on any account whatsoever, save and except such estates, rights, interest, charges, incumbrances, claims, and demands (if any) as in any such conveyance, assurance, or lease shall be excepted.

Admiralty may sue and be sued, and pay and recover costs.

17. It shall be lawful for the commissioners to bring, prosecute, and maintain any action of ejectment or other proceeding at law or in equity for recovering possession of any lands acquired by or vested in them under this Act, and to distrain or sue for any arrears of rent which shall become due for or in respect thereof, under any parol or other demise, from the commissioners, and also to bring, prosecute, and maintain, or to defend any other action or suit in respect of such lands, or of any trespass or encroachment committed thereon, or damage

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or injury done thereto; and in every such action, proceeding, or suit by or against the commissioners they shall be called "The "Commissioners for executing the Office of Lord High Admiral "of the United Kingdom," without any of them being named, and no such action or suit shall abate by the death, resignation, or removal of the commissioners or any of them, and the commissioners shall in all such actions, suits, and proceedings be entitled to recover and be liable to pay costs, as in ordinary actions, suits, and proceedings between subject and subject.(1)

Purchase money, &c. how to be provided.

18. All monies which under this Act shall be agreed to be paid by or shall be recovered against the commissioners by way of purchase or compensation money, damages, costs, or otherwise, shall be paid by monies to be provided and appropriated for that purpose by Parliament.

Provisions of Act may be applied to any of the lands already purchased.

19. The provisions of this Act shall, so far as the commissioners may at any time or times deem expedient for effecting any of the objects of this Act, extend and be applicable to any of the said lands purchased or taken or agreed to be purchased or taken by them before the passing of this Act, as also to all the lands which shall hereafter be purchased or taken by virtue of this Act.

Nothing to lessen powers of Admiralty.

20. Nothing in this Act shall extend to take away, lessen, or prejudice any powers, rights, or authorities which would or might have been vested in or exercised by the commissioners if this Act had not been passed.

Protection to commissioners.

21. The commissioners shall not, by reason of anything done or omitted to be done under this Act, be liable, collectively or individually, to any fine, penalty, or forfeiture, or to execution of any process against the person or property.

Any two commissioners may execute powers.

22. All acts, deeds, matters, and things hereby authorized to be done or executed by the commissioners, and all powers and authorities hereby given to or conferred upon the commissioners, may be done, executed, and exercised by any two of them, and when so done, executed, or exercised the same shall be as valid and effectual as if the same were and had been done, executed, or exercised by all the commissioners, and all privileges hereby given to the commissioners shall be enjoyed and may be exercised by any two of them.

Lord high admiral to have the same powers as commissioners.

23. If it shall please her Majesty, her heirs and successors, to appoint a lord high admiral of the United Kingdom, then and so long and as often as there shall be a lord high admiral of the United Kingdom all the powers, privileges, and exemptions vested in or given to and all the lands vested in the commissioners under or by virtue of this Act shall be and become vested in the lord high admiral of the United Kingdom for the

(1) But see as to the power of the Admiralty to institute actions, &c., the Admiralty Suits Act, 1868 (31 & 32 Vict. c. 78.), ss. 3., 4., p. 463, *post*.

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time being, and all such lands shall vest in him according to the nature and quality thereof respectively, and to the estate, term, share, or interest acquired therein respectively by him or the commissioners, in trust for her Majesty, her heirs and successors, for the public service, and in any action or suit respecting any such lands the lord high admiral shall be called "The Lord High "Admiral of the United Kingdom," without being named, and no such action or suit shall abate by the death, resignation, or removal of any lord high admiral; and in the construction of the said incorporated provisions in connexion with this Act the lord high admiral for the time being shall be deemed to be himself solely the "promoters of the undertaking, and he shall have the sole authority for carrying this Act into effect, and generally in all respects, as far as may be, the lord high admiral for the time being shall come in place of the commissioners for the purposes of this Act.

Saving rights of the Crown.

24. Nothing herein contained shall extend or be construed to extend to take away, lessen, prejudice, alter, damage, or affect any estate, right, title, or interest of the Queen's most excellent Majesty of, in, or to the bed, soil, banks, and shores of the river Medway, and of, in, or to all or any arms, creeks, streams, and indraughts thereof, or otherwise, or of, in, or to any tolls, dues, duties, rents, issues, franchises, profits, powers, or authorities, customs, immunities, rights, or privileges, belonging to the Queen's Majesty, other than and except as regards such portions of the bed, soil, banks, and shores of the said river, arms, creeks, streams, and indraughts, and such rights and privileges, which the commissioners are authorized to purchase or acquire under the provisions of this Act.

Saving rights of corporation of Rochester.

25. Nothing herein contained shall extend or be construed to extend to take away, lessen, prejudice, alter, damage, or affect any estate, right, title, or interest of the mayor, aldermen, and citizens of the city of Rochester of, in, or to the bed, soil, banks, and shores of the river Medway, and of, in, or to all or any arms, creeks, streams, and indraughts thereof, or otherwise, or of, in, or to any tolls, dues, duties, rents, issues, franchises, profits, powers, or authorities, customs, immunities, rights, or privileges, of or belonging to or claimed by the said mayor, aldermen, and citizens of the said city of Rochester, other than and except as regards such portions of the bed, soil, banks, and shores of the said river, arms, creeks, streams, and indraughts, and such rights and privileges, which the commissioners are authorized to purchase or acquire under the provisions of this Act.

Saving rights of the corporation of London.

26. Nothing herein contained shall extend to prejudice or derogate from the estates, rights, interests, privileges, franchises, or authority of the mayor and commonalty and citizens of the city of London or their successors, or of the lord mayor of the said city for the time being, or to prohibit, defeat, alter, or diminish any power, authority, or jurisdiction which, at the time

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of making this Act, the mayor and commonalty and citizens of the city of London, or the lord mayor of the said city for the time being, as conservators of the river Medway, did or might lawfully claim, use, or exercise, save and except so far as the execution of the works hereby authorized may prejudice or derogate from any such estates, rights, interests, privileges, franchises, or authority, or defeat, alter, or diminish any such power, authority, or jurisdiction.

Powers for compulsory purchases limited.

27. The compulsory powers hereby given for effecting purchases of and taking lands shall not be exercised after the expiration of five years from the passing of this Act.

Short title.

28. This Act may be cited as "The Chatham Dockyard Act, 1861."

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24 & 25 Victoria.—A.D. 1861.

CAP. XCVI.

An Act to consolidate and amend the Statute Law of England and Ireland relating to Larceny and other similar Offences.(1) [6th August 1861.]

WHEREAS it is expedient to consolidate and amend the statute law of England and Ireland relating to larceny and other similar offences: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Interpretation of terms: "Document of title to goods."

1. In the interpretation of this Act:

The term "document of title to goods" shall include any bill of lading, India warrant, dock warrant, warehouse keeper's certificate, warrant or order for the delivery or transfer of any goods or valuable thing, bought and sold note, or any other document used in the ordinary course of business as proof of the possession or control of goods, or authorizing or purporting to authorize, either by indorsement or by delivery, the possessor of such document to transfer or receive any goods thereby represented or therein mentioned or referred to.

Principals in the second degree and accessories.

98. In case of every felony punishable under this Act every principal in the second degree, and every accessory before the fact, shall be punishable in the same manner as the principal in the first degree is by this Act punishable; and

(1) Sections 98.–100., 103., 107.–113., 115.–121. of this Act are incorporated with the Public Stores Act, 1875, 38 & 39 Vict. c. 25., by s. 12. of that Act, *post*, and sections 99., 103., 107.–113., and 120. with the Seaman's Clothing Act, 1869, 32 & 33 Vict. c. 57., by s. 6. of that Act.

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every accessory after the fact to any felony punishable under this Act (except only a receiver of stolen property) shall, on conviction, be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement; and every person who shall aid, abet, counsel, or procure the commission of any misdemeanor punishable under this Act shall be liable to be indicted and punished as a principal offender.

Abettors in misdemeanors.

Abettors in offences punishable on summary conviction.

99. Whosoever shall aid, abet, counsel, or procure the commission of any offence which is by this Act punishable on summary conviction, either for every time of its commission, or for the first and second time only, or for the first time only, shall, on conviction before a justice of the peace, be liable, for every first, second, or subsequent offence of aiding, abetting, counselling, or procuring, to the same forfeiture and punishment to which a person guilty of a first, second, or subsequent offence as a principal offender is by this Act made liable.

As to restitution and recovery of stolen property:

The owner of stolen property prosecuting thief or receiver to conviction shall have restitution of his property.

100. If any person guilty of any such felony or misdemeanor as is mentioned in this Act, in stealing, taking, obtaining, extorting, embezzling, converting, or disposing of, or in knowingly receiving, any chattel, money, valuable security, or other property whatsoever, shall be indicted for such offence, by or on the behalf of the owner of the property, or his executor or administrator, and convicted thereof, in such case the property shall be restored to the owner or his representative; and in every case in this section aforesaid the court before whom any person shall be tried for any such felony or misdemeanor shall have power to award from time to time writs of restitution for the said property, or to order the restitution thereof in a summary manner: Provided, that if it shall appear before any award or order made that any valuable security shall have been bonâ fide paid or discharged by some person or body corporate liable to the payment thereof, or being a negotiable instrument shall have bonâ fide taken or received by transfer or delivery, by some person or body corporate, for a just and valuable consideration, without any notice or without any reasonable cause to suspect that the same had by any felony or misdemeanor been stolen, taken, obtained, extorted, embezzled, converted, or disposed of, in such case the court shall not award or order the restitution of such security: Provided also, that nothing in this section contained shall apply to the case of any prosecution of any trustee, banker, merchant, attorney, factor, broker, or other agent intrusted with the possession of goods or documents of title to goods for any misdemeanor against this Act.

Provision as to valuable and negotiable securities.

Not to apply to prosecutions of trustees, bankers, &c.

As to apprehension of offenders, and other proceedings:

A person in the act of committing

103. Any person found committing any offence punishable, either upon indictment or upon summary conviction, by virtue

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of this Act, except only the offence of angling in the daytime, may be immediately apprehended without a warrant by any person, and forthwith taken, together with such property, if any, before some neighbouring justice of the peace, to be dealt with according to law; and if any credible witness shall prove upon oath before a justice of the peace a reasonable cause to suspect that any person has in his possession or on his premises any property whatsoever on or with respect to which any offence, punishable either upon indictment or upon summary conviction by virtue of this Act, shall have been committed, the justice may grant a warrant to search for such property as in the case of stolen goods; and any person to whom any property shall be offered to be sold, pawned, or delivered, if he shall have reasonable cause to suspect that any such offence has been committed on or with respect to such property, is hereby authorized, and, if in his power, is required to apprehend and forthwith to take before a justice of the peace the party offering the same, together with such property, to be dealt with according to law.

any offence may be apprehended without a warrant.

A justice, upon good grounds of suspicion proved on oath, may grant a search warrant.

Any person to whom stolen property is offered may seize the party offering it.

107. In every case of a summary conviction under this Act, where the sum which shall be forfeited for the value of the property stolen or taken, or for the amount of the injury done, or which shall be imposed as a penalty by the justice, shall not be paid, either immediately after the conviction, or within such period as the justice shall at the time of the conviction appoint, the convicting justice (unless where otherwise specially directed) may commit the offender to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of the justice, [(1) for any term not exceeding two months, where the amount of the sum forfeited or of the penalty imposed, or of both, (as the case may be,) together with the costs, shall not exceed five pounds, and for any term not exceeding four months where the amount, with costs, shall not exceed ten pounds, and for any term not exceeding six months in any other case, the commitment to be determinable in each of the cases aforesaid upon payment of the amount and costs.]

If a person summarily convicted shall not pay, &c., the justice may commit him.

Scale of imprisonment.

108. Where any person shall be summarily convicted before a justice of the peace of any offence against this Act, and it shall be a first conviction, the justice may, if he shall so think fit, discharge the offender from his conviction, upon his making such satisfaction to the party aggrieved for damages and costs, or either of them, as shall be ascertained by the justice.

Justice may discharge the offender in certain cases.

109. In case any person convicted of any offence punishable upon summary conviction by virtue of this Act shall have paid the sum adjudged to be paid, together with costs, under such conviction, or shall have received a remission thereof from the Crown, or from the lord lieutenant or other chief governor in Ireland, or shall have suffered the imprisonment awarded for

A summary conviction shall be a bar to any other proceeding for the same cause.

(1) The words in brackets are repealed as to England by 47 & 48 Vict. c. 43. s. 4.

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nonpayment thereof, or the imprisonment adjudged in the first instance, or shall have been so discharged from his conviction by any justice as aforesaid, in every such case he shall be released from all further or other proceedings for the same cause.

Appeal. **110.** In all cases where the sum adjudged to be paid on any summary conviction shall exceed five pounds, or the imprisonment adjudged shall exceed one month, or the conviction shall take place before one justice only, any person who shall think himself aggrieved by any such conviction may appeal to the next court of general or quarter sessions [(1)which shall be holden not less than twelve days after the day of such conviction for the county or place wherein the cause of complaint shall have arisen; provided, that such person shall give to the complainant a notice in writing of such appeal, and of the cause and matter thereof, within three days after such conviction, and seven clear days at the least before such sessions, and shall also either remain in custody until the sessions, or shall enter into a recognizance, with two sufficient sureties, before a justice of the peace, conditioned personally to appear at the said sessions and to try such appeal, and to abide the judgment of the court thereupon, and to pay such costs as shall be by the court awarded; or if such appeal shall be against any conviction, whereby only a penalty or other sum of money shall be adjudged to be paid, shall deposit with the clerk of the convicting justice such a sum of money as such justice shall deem to be sufficient to cover the sum so adjudged to be paid, together with the costs of the conviction and the costs of the appeal]; and upon such notice being given, and such recognizance being entered into, or such deposit being made, the justice before whom such recognizance shall be entered into, or such deposit shall be made, shall liberate such person if in custody; [(1)and the court at such sessions shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs to either party, as to the court shall seem meet, and in case of the dismissal of the appeal or the affirmance of the conviction shall order and adjudge the offender to be punished according to the conviction, and to pay such costs as shall be awarded, and shall, if necessary, issue process for enforcing such judgment; and in any case where after any such deposit shall have been made as aforesaid the conviction shall be affirmed, the court may order the sum thereby adjudged to be paid, together with the costs of the conviction and the costs of the appeal, to be paid out of the money deposited, and the residue thereof, if any, to be repaid to the party convicted; and in any case where after any such deposit the conviction shall be quashed, the court shall order the money deposited to be repaid to the party convicted; and in every case where any conviction shall be quashed on appeal as aforesaid the clerk of the peace, or other proper officer, shall forthwith endorse on the conviction a memorandum that the same has been so quashed; and whenever any copy or certificate

(1) The words in brackets are repealed as to England by 47 & 48 Vict. c. 43. s. 4.

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of such conviction shall be made, a copy of such memorandum shall be added thereto, and shall be sufficient evidence that the conviction has been quashed in every case where such copy or certificate would be sufficient evidence of such conviction.]

No certiorari, &c.

111. No such conviction, or adjudication made on appeal therefrom, shall be quashed for want of form, or be removed by certiorari into any of her Majesty's superior courts of record; [(1) and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.]

Convictions to be returned to the quarter sessions.

[**112.**(1) Every justice of the peace before whom any person shall be convicted of any offence against this Act shall transmit the conviction to the next court of general or quarter sessions which shall be holden for the county or place wherein the offence shall have been committed, there to be kept by the proper officer among the records of the court; and upon any information against any person for a subsequent offence, a copy of such conviction, certified by the proper officer of the court, or proved to be a true copy, shall be sufficient evidence to prove a conviction for the former offence, and the conviction shall be presumed to have been unappealed against until the contrary be shown.]

Venue, in proceedings against persons acting under this Act.

Notice of action.

General issue, &c.

113. All actions and prosecutions to be commenced against any person for anything done in pursuance of this Act shall be laid and tried in the county where the fact was committed, and shall be commenced within six months after the fact committed, and not otherwise; and notice in writing of such action and of the cause thereof shall be given to the defendant one month at least before the commencement of the action; and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence, at any trial to be had thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into court after such action brought, by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue any such action after issue joined, or if, upon demurrer or otherwise, judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant has by law in other cases; and though a verdict shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant unless the judge before whom the trial shall be shall certify his approbation of the action.

Offences committed within the

115. All indictable offences mentioned in this Act which shall be committed within the jurisdiction of the Admiralty of

(1) The words in brackets are repealed as to England by 47 & 48 Vict. c. 43. s. 4.

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Jurisdiction of the Admiralty.

England or Ireland shall be deemed to be offences of the same nature, and liable to the same punishments, as if they had been committed upon the land in England or Ireland, and may be dealt with, inquired of, tried, and determined in any county or place in which the offender shall be apprehended or be in custody; and in any indictment for any such offence or for being an accessory to any such offence the venue in the margin shall be the same as if the offence had been committed in such county or place, and the offence itself shall be averred to have been committed "on the high seas"; provided, that nothing herein contained shall alter or affect any of the laws relating to the government of her Majesty's land or naval forces.

Form of indictment for a subsequent offence.

116. In any indictment for any offence punishable under this Act, and committed after a previous conviction or convictions for any felony, misdemeanor, or offence or offences punishable upon summary conviction, it shall be sufficient, after charging the subsequent offence, to state that the offender was at a certain time and place or at certain times and places convicted of felony, or of an indictable misdemeanor, or of an offence or offences punishable upon summary conviction, (as the case may be,) without otherwise describing the previous felony, misdemeanor, offence or offences; and a certificate containing the substance and effect only (omitting the formal part) of the indictment and conviction of the previous felony or misdemeanor, or a copy of any such summary conviction, purporting to be signed by the clerk of the court or other officer having the custody of the records of the court where the offender was first convicted, or to which such summary conviction shall have been returned, or by the deputy of such clerk or officer, (for which certificate or copy a fee of five shillings and no more shall be demanded or taken,) shall, upon proof of the identity of the person of the offender, be sufficient evidence of such conviction, without proof of the signature or official character of the person appearing to have signed the same; and the proceedings upon any indictment for committing any offence after a previous conviction or convictions shall be as follows; (that is to say,) the offender shall, in the first instance, be arraigned upon so much only of the indictment as charges the subsequent offence, and if he plead not guilty, or if the court order a plea of not guilty to be entered on his behalf, the jury shall be charged, in the first instance, to inquire concerning such subsequent offence only; and if they find him guilty, or if on arraignment he plead guilty, he shall then, and not before, be asked whether he had been previously convicted as alleged in the indictment, and if he answer that he had been so previously convicted the court may proceed to sentence him accordingly, but if he deny that he had been so previously convicted, or stand mute of malice, or will not answer directly to such question, the jury shall then be charged to inquire concerning such previous conviction or convictions, and in such case it shall not be necessary to swear the

When the previous conviction is to be proved on the trial.

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jury again, but the oath already taken by them shall for all purposes be deemed to extend to such last-mentioned inquiry: Provided, that if upon the trial of any person for any such subsequent offence such person shall give evidence of his good character, it shall be lawful for the prosecutor, in answer thereto, to give evidence of the conviction of such person for the previous offence or offences before such verdict of guilty shall be returned, and the jury shall inquire concerning such previous conviction or convictions at the same time that they inquire concerning such subsequent offence.

Fine, and sureties for keeping the peace; in what cases.

117. Whenever any person shall be convicted of any indictable misdemeanor punishable under this Act, the court may, if it shall think fit, in addition to or in lieu of any of the punishments by this Act authorized, fine the offender, and require him to enter into his own recognizances and to find sureties, both or either, for keeping the peace and being of good behaviour; and in case of any felony punishable under this Act the court may, if it shall think fit, require the offender to enter into his own recognizances, and to find sureties, both or either, for keeping the peace, in addition to any punishment by this Act authorized: Provided that no person shall be imprisoned under this clause for not finding sureties for any period exceeding one year.

Hard labour.

118. Whenever imprisonment, with or without hard labour, may be awarded for any indictable offence under this Act, the court may sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour, in the common gaol or house of correction.

Solitary confinement and whipping.

119. Whenever solitary confinement may be awarded for any indictable offence under this Act, the court may direct the offender to be kept in solitary confinement for any portion or portions of his imprisonment, or of his imprisonment with hard labour, not exceeding one month at any one time, and not exceeding three months in any one year; and whenever whipping may be awarded for any indictable offence under this Act, the court may sentence the offender to be once privately whipped, and the number of strokes and the instrument with which they shall be inflicted shall be specified by the court in the sentence.

Summary proceedings in England may be under the 11 & 12 Vict. c. 43., and in Ireland under the 14 & 15 Vict. c. 93;

120. Every offence hereby made punishable on summary conviction may be prosecuted in England in the manner directed by the Act of the session holden in the eleventh and twelfth years of Queen Victoria, chapter forty-three, so far as no provision is hereby made for any matter or thing which may be required to be done in the course of such prosecution, and may be prosecuted in Ireland before two or more justices of the peace, or one metropolitan or stipendiary magistrate, in the manner directed by the Act of the session holden in the fourteenth and fifteenth years of Queen Victoria, chapter ninety-three, or in such other manner as may be directed by any

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Act that may be passed for like purposes; and all provisions contained in the said Acts shall be applicable to such prosecutions in the same manner as if they were incorporated in this Act: Provided, that nothing in this Act contained shall in any manner alter or affect any enactment relating to procedure in the case of any offence punishable on summary conviction within the city of London or the Metropolitan police district, or the recovery or application of any penalty or forfeiture for any such offence.

except in London and the Metropolitan police district.

The costs of the prosecution of misdemeanors against this Act may be allowed.

121. The court before which any indictable misdemeanor against this Act shall be prosecuted or tried may allow the costs of the prosecution in the same manner as in cases of felony; and every order for the payment of such costs shall be made out, and the sum of money mentioned therein paid and repaid, upon the same terms and in the same manner in all respects as in cases of felony.

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24 & 25 Victoria.—A.D. 1861.

CAP. XCVII.

An Act to consolidate and amend the Statute Law of England and Ireland relating to Malicious Injuries to Property.(1) [6th August 1861.]

WHEREAS it is expedient to consolidate and amend the statute law of England and Ireland relating to malicious injuries to property: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Setting fire to a ship.

42. Whosoever shall unlawfully and maliciously set fire to, cast away, or in anywise destroy any ship or vessel,(2) whether the same be complete or in an unfinished state, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Setting fire to ships to prejudice the owner or underwriters.

43. Whosoever shall unlawfully and maliciously set fire to, or cast away, or in anywise destroy any ship or vessel, with intent thereby to prejudice any owner or part owner of such ship or vessel, or of any goods on board the same, or any person that has underwritten or shall underwrite any policy of insurance upon such ship or vessel, or on the freight thereof, or upon any

(1) This Act does not extend to Scotland, *see* s. 78., p. 306, *post*.

(2) *See*, as to setting fire to ships in any of her Majesty's dockyards, 12 Geo. 3. c. 24., p. 7, *ante*.

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goods on board the same, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Attempting to set fire to a vessel.

44. Whosoever shall unlawfully and maliciously, by any overt act, attempt to set fire to, cast away, or destroy any ship or vessel, under such circumstances that if the ship or vessel were thereby set fire to, cast away, or destroyed the offender would be guilty of felony, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and if a male under the age of sixteen years, with or without whipping.

Placing gunpowder near a vessel with intent to damage it.

45. Whosoever shall unlawfully and maliciously place or throw in, into, upon, against, or near any ship or vessel any gunpowder or other explosive substance, with intent to destroy or damage any ship or vessel, or any machinery, working tools, goods, or chattels, shall, whether or not any explosion take place, and whether or not any injury be effected, be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Damaging ships otherwise than by fire.

46. Whosoever shall unlawfully and maliciously damage, otherwise than by fire, gunpowder, or other explosive substance, any ship or vessel, whether complete or in an unfinished state, with intent to destroy the same or render the same useless, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Exhibiting false signals, &c.

47. Whosoever shall unlawfully mask, alter, or remove any light or signal, or unlawfully exhibit any false light or signal, with intent to bring any ship vessel, or boat into danger, or shall unlawfully and maliciously do anything tending to the immediate loss or destruction of any ship, vessel, or boat, and for which no punishment is herein-before provided, shall be

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guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for life or for any term not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Removing or concealing buoys and other sea marks.

48. Whosoever shall unlawfully and maliciously cut away, cast adrift, remove, alter, deface, sink, or destroy, or shall unlawfully and maliciously do any act with intent to cut away, cast adrift, remove, alter, deface, sink, or destroy, or shall in any other manner unlawfully and maliciously injure or conceal any boat, buoy, buoy rope, perch, or mark used or intended for the guidance of seamen or the purpose of navigation, shall be guilty of felony, and being convicted thereof, shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years and not less than three years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, and, if a male under the age of sixteen years, with or without whipping.

Destroying wrecks or any articles belonging thereto.

49. Whosoever shall unlawfully and maliciously destroy any part of any ship or vessel which shall be in distress, or wrecked, stranded, or cast on shore, or any goods, merchandise, or articles of any kind belonging to such ship or vessel, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding fourteen and not less than three years,—or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Act not to extend to Scotland.

78. Nothing in this Act contained shall extend to Scotland, except as herein-before otherwise expressly provided.

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24 & 25 Victoria.—A.D. 1861.

CAP. XCVIII.

An Act to consolidate and amend the Statute Law of England and Ireland relating to indictable Offences by Forgery. [6th August 1861.]

Forging, &c. in England or Ireland documents purporting to be made, or actually made, out of

40. Where the forging or altering any writing or matter whatsoever, or the offering, uttering, disposing of, or putting off any writing or matter whatsoever, knowing the same to be forged or altered, is in this Act expressed to be an offence, if any person shall, in England or Ireland, forge or alter, or offer, utter, dispose of, or put off, knowing the same to be forged or altered,

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any such writing or matter in whatsoever place or country out of England and Ireland, whether under the dominion of her Majesty or not, such writing or matter may purport to be made or may have been made, and in whatever language the same or any part thereof may be expressed, every such person, and every person aiding, abetting, or counselling such person, shall be deemed to be an offender within the meaning of this Act, and shall be punishable thereby in the same manner as if the writing or matter had purported to be made or had been made in England or Ireland; and if any person shall in England or Ireland forge or alter, or offer, utter, dispose of, or put off, knowing the same to be forged or altered, any bill of exchange, or any promissory note for the payment of money, or any indorsement on or assignment of any bill of exchange or promissory note for the payment of money, or any acceptance of any bill of exchange, or any undertaking, warrant, order, authority, or request for the payment of money, or for the delivery or transfer of any goods or security, or any deed, bond, or writing obligatory for the payment of money (whether such deed, bond, or writing obligatory shall be made only for the payment of money, or for the payment of money together with some other purpose), or any indorsement on or assignment of any such undertaking, warrant, order, authority, request, deed, bond, or writing obligatory, in whatsoever place or country out of England and Ireland, whether under the dominion of her Majesty or not, the money payable or secured by such bill, note, undertaking, warrant, order, authority, request, deed, bond, or writing obligatory may be or may purport to be payable, and in whatever language the same respectively or any part thereof may be expressed, and whether such bill, note, undertaking, warrant, order, authority, or request be or be not under seal, every such person, and every person aiding, abetting, or counselling such person, shall be deemed to be an offender within the meaning of this Act, and shall be punishable thereby in the same manner as if the money had been payable or had purported to be payable in England or Ireland.

England and Ireland, forging, &c. in England or Ireland bills of exchange, &c. purporting to be payable out of England or Ireland.

41. If any person shall commit any offence against this Act, or shall commit any offence of forging or altering any matter whatsoever, or of offering, uttering, disposing of, or putting off any matter whatsoever, knowing the same to be forged or altered, whether the offence in any such case shall be indictable at common law, or by virtue of any Act passed or to be passed, every such offender may be dealt with, indicted, tried, and punished, in any county or place in which he shall be apprehended or be in custody, in the same manner in all respects as if his offence had been actually committed in that county or place; and every accessory before or after the fact to any such offence, if the same be a felony, and every person aiding, abetting, or counselling the commission of any such offence, if the same be a misdemeanor, may be dealt with, indicted, tried, and punished, in any county or place in which he shall be apprehended or be in custody, in

Forgers, &c. may be tried in the county where they are apprehended or are in custody.

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the same manner in all respects as if his offence, and the offence of his principal, had been actually committed in such county or place.

Description of instrument in indictments for forgery.

42. In any indictment for forging, altering, offering, uttering, disposing, or putting off any instrument it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known, or by the purport thereof, without setting out any copy or fac-simile thereof, or otherwise describing the same or the value thereof.

Offences committed within the jurisdiction of the Admiralty.

50. All indictable offences mentioned in this Act which shall be committed within the jurisdiction of the Admiralty of England or Ireland shall be deemed to be offences of the same nature and liable to the same punishments as if they had been committed upon the land in England or Ireland, and may be dealt with, inquired of, tried, and determined in any county or place in England or Ireland in which the offender shall be apprehended or be in custody, in the same manner in all respects as if they had been actually committed in that county or place; and in any indictment for any such offence, or for being an accessory to such an offence, the venue in the margin shall be the same as if the offence had been committed in such county or place, and the offence shall be averred to have been committed on "the high "seas;" provided that nothing herein contained shall alter or affect any of the laws relating to the government of her Majesty's land or naval forces.

Fine and sureties for keeping the peace; in what cases.

51. Whenever any person shall be convicted of a misdemeanor under this Act it shall be lawful for the court, if it shall think fit, in addition to or in lieu of any of the punishments by this Act authorized, to fine the offender, and to require him to enter into his own recognizances, and to find sureties, both or either, for keeping the peace and being of good behaviour; and in all cases of felonies in this Act mentioned it shall be lawful for the court, if it shall think fit, to require the offender to enter into his own recognizances, and to find sureties, both or either, for keeping the peace, in addition to any of the punishments by this Act authorized; provided that no person shall be imprisoned under this clause for not finding sureties for any period exceeding one year.

Hard labour.

52. Whenever imprisonment, with or without hard labour, may be awarded for any offence under this Act, the court may sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour, in the common gaol or house of correction.

Solitary confinement.

53. Whenever solitary confinement may be awarded for any offence under this Act, the court may direct the offender to be kept in solitary confinement for any portion or portions of his imprisonment, or of his imprisonment with hard labour, not exceeding one month at any one time, and not exceeding three months in any one year.

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24 & 25 Victoria.—A.D. 1861.

CAP. CVIII.

An Act to provide for the winding up the Naval Medical Supplemental Fund Society.(1) [6th August 1861.]

WHEREAS under an order in council dated the thirteenth day of August one thousand eight hundred and seventeen the naval medical supplemental fund society was established, for the relief of widows of medical officers in the royal navy: And whereas an Act was passed in the session of Parliament holden in the twenty-second year of Queen Victoria, chapter twenty-eight, for continuing for the space of ten years, and thence to the end of the then next session of Parliament, the Act of the session of the eleventh and twelfth of Queen Victoria, chapter fifty-eight, for the regulation of the annuities and premiums of the said society: And whereas it is expedient that the said society should be brought to an end, and the affairs thereof wound up, and provision made for satisfying the just demands of persons having claims upon the funds of the said society: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Order in council, dated 13th Aug. 1817.

22 Vict. c. 28.

1. This Act may be cited for any purpose as "The Naval Medical Supplemental Fund Society Winding-up Act, 1861."

Short title.

2. The lord high admiral or, as the case may be, the first lord commissioner of the Admiralty board and the secretary of the Admiralty respectively for the time being, shall undertake the general supervision of the winding up of the said society, and may appoint, at such remuneration as they shall think fit, not less than three persons as trustees, one of such persons to be chosen by a majority of the officers who have effected insurances with the said society which are now in force, and of the annuitants who may either in person or by proxy attend at the meeting to be convened for that purpose, the time, place, and object of which meeting shall be advertised in two of the daily newspapers published in London, and the person so appointed, together with the present trustees of the said society, if such trustees shall be willing to act, shall carry this Act into execution; and on the death or resignation of any person appointed to carry this Act into execution, other than the person chosen by such insuring officers and annuitants as aforesaid, the lord high admiral or the first lord commissioner of the Admiralty board and the secretary of the Admiralty may from time to time appoint another person to act in his place; and in the event of the death or resignation of any person so chosen as aforesaid, the majority of such insuring officers and annuitants who may

The Admiralty to superintend the winding up of the society, and may appoint persons to carry Act into execution.

(1) *See* 26 & 27 Vict. c. 111., p. 339, *post*.

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attend any meeting to be convened and advertised as aforesaid may from time to time appoint another person to act in his place: Provided always, that if at any time there should not be any person chosen or appointed by the said insuring officers and annuitants, the other persons hereby authorized to carry this Act into execution shall have full power to act as if there were a person chosen or appointed by the said insuring officers and annuitants.

Present trustees of the society to act, but vacancies not to be filled up.

3. The present trustees of the said society shall continue to have and exercise such of the same powers and authorities now vested in or exercisable by them as are not inconsistent with the provisions of this Act, but on the death or resignation of any of the said trustees the vacancy caused thereby shall not be filled up.(1)

Persons now employed may be dismissed. Officers, &c. may be appointed.

4. The persons hereby authorized to carry this Act into execution may continue in or dismiss from their employment all or any of the persons now employed in the business of the said society, and may, with the consent of the persons having such general supervision as aforesaid, appoint any officers or servants to assist in the administration of the general fund herein-after mentioned, at such salary or remuneration as such last-mentioned persons shall approve of.

One general fund to be formed.

5. All the property of or belonging to the said society, and the income thereof, and all monies arising from contributions or otherwise accruing to the funds of the said society, except the compassionate fund, shall form one general fund for the purpose of meeting the various expenses hereby authorized; and all persons whosoever having any funds or property of or belonging to the said society, except as regards the compassionate fund, shall render such account thereof, and pay over or apply the same, as the persons hereby authorized to carry this Act into execution shall from time to time require or direct.

Salaries, &c. to be paid out of the general fund.

6. All salaries, remunerations, and wages payable to any persons employed in the execution of this Act or in the administration of the said general fund, and all expenses incurred in respect thereof, shall be defrayed out of the said general fund, and all disbursements on account of the said fund shall be made through the hands of the officers appointed for that purpose, and shall not be made by any person or in any other manner.

No new contributors to the fund allowed.

7. No person who has not contributed to the funds of the said society as an insured member before the passing of this Act shall be allowed to contribute thereto, so as to establish any claim for an annuity for his widow, nor shall any medical officer in the royal navy be compelled or be liable after the passing of this Act to pay to the compassionate fund on entry, promotion, or appointment to any permanent civil situation the fee mentioned in the said order in council, but the compassionate fund referred

(1) The vacancies are to be filled up by the Admiralty under 26 & 27 Vict. c. 111. s. 1., p. 339, *post*.

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to in the said order in council shall continue, and the interest thereof shall be distributed among the orphans of those members of the said society who have died, and the orphans of those naval medical officers who have hitherto contributed or may hereafter voluntarily contribute any such fee to the said fund.

(1) * * * * * * *

Annuities to be purchased in the names of the persons entitled, and to be inalienable.

9. Every life annuity hereby authorized to be purchased shall be purchased in the name of the person entitled thereto, and shall be her sole and absolute property, and all acts done for the purpose of charging, alienation, or otherwise disposing of the whole or any part of the said annuity, shall be absolutely null and void.

Annuities, until purchased, to be payable out of the general fund, and contributions to continue payable until all annuities purchased.

10. Such and so many of the said annuities as for the time being shall not have been purchased under the authority of this Act shall continue payable and be paid out of the general fund herein-before mentioned; and all persons who at the time of the passing of this Act may be liable to pay any contribution to the said naval medical supplemental fund shall continue liable to and shall make such payments, except to the compassionate fund, until all the said annuities, immediate or reversionary, shall have been purchased, but any person who has before the passing of this Act contracted for a reversionary annuity shall continue to make all such payments as he would have been liable to if this Act had not been passed.

When Act fully carried out, notice to be inserted in the Gazette, and order in council and Act of 22 Vict. c. 28. to cease.

11. When and so soon as the purposes of this Act shall have been fully carried into execution, notice thereof, under the hands of the said lord high admiral, or, as the case may be, the first lord commissioner of the Admiralty board and the secretary of the Admiralty for the time being respectively, shall be published in the London Gazette, and thereupon the said order in council of the thirteenth day of August one thousand eight hundred and seventeen, so far as relates to annuities, shall cease to operate and take effect, and the said Act of the twenty-second of Queen Victoria, chapter twenty-eight, shall be repealed.

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24 & 25 Victoria.—A.D. 1861.

Cap. CX.

An Act for regulating the Business of Dealers in old Metals.(2) [6th August 1861.]

WHEREAS by the four hundred and eightieth section of the Merchant Shipping Act, 1854, certain provisions were

(1) 26 & 27 Vict. c. 111. s. 2., p. 340, *post*, takes effect in lieu of s. 8.

(2) It is enacted by the Public Stores Act, 1875, 38 & 39 Vict. c. 25., that a conviction in England under any provision of that Act of a dealer in old metals shall, for the purposes of registration and its consequences under the Old Metal Dealers Act, 1861, be equivalent to a conviction under the Old Metal Dealers Act, 1861; see 38 & 39 Vict. c. 25., s. 11, *post*.

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enacted for the regulation of the business of persons dealing in, buying, and selling anchors, cables, sails, or old junk, old iron or marine stores of any description, and such provisions have been found beneficial in diminishing the facilities for disposing of stolen goods; and it is expedient that similar provisions should be enacted for the regulation of the business of all dealers in old metals which afford facilities for the disposing of stolen goods: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The old Metal Dealers Act, 1861."

Definition of terms.

3. In the construction and for the purposes of this Act the term "dealer in old metals" shall mean any person dealing in, buying, and selling old metal, scrap metal, broken metal, or partly manufactured metal goods, or defaced or old metal goods, and whether such person deals in such articles only, or together with second-hand goods or marine stores, and the term "old metals" shall mean the said articles.

Penalty on dealer in old metals being in possession of stolen property.

4. It shall be lawful for any justice of the peace, upon complaint made before him, upon oath, that the complainant has reason to believe and does believe that any old metal stolen or unlawfully obtained is kept in any house, shop, room, or place by any dealer in old metals within the limits of the jurisdiction of such justice, to give authority, by special warrant, to any constable or police officer to enter, in the daytime, such house, shop, room, or other place, with such assistance as may be necessary, and to search for and seize all such old metals there found, and to carry all the articles so seized before the justice issuing the said warrant, or some other justice exercising similar jurisdiction, and such justice shall thereupon issue a summons requiring such dealer to appear before two justices, at a time and place to be named in such summons, and if such dealer shall not then and there prove to the satisfaction of such justices how he came by the said articles, or if any such dealer shall be found in possession of any old metal which has been stolen or unlawfully obtained, and on his being taken or summoned before two justices it shall be proved to the satisfaction of such justices that at the time when he received it he had reasonable cause to believe it to have been stolen or unlawfully obtained, then in either of such cases such dealer shall be liable to a penalty not exceeding five pounds, and for any subsequent offence to a penalty not exceeding twenty pounds, or at the discretion of the justices in the case of such second or subsequent offence shall be imprisoned and kept to hard labour for any period not exceeding three calendar months: Provided always, that nothing herein contained shall interfere with or affect any proceeding by indictment to which such dealer in old metals may be liable for

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feloniously and knowingly receiving stolen goods, but no person shall be prosecuted by indictment and proceeded against under this Act for the same offence.

Justices may order dealer to be registered.

5. When any dealer in old metals is convicted of either of the offences aforesaid, it shall be lawful for such justices, or, on proof of such conviction, for any other two justices of the same petty sessional district of a county, or city or borough, on proof of such conviction, to order and direct that such dealer shall be registered at the principal police office of such district or city or borough in a book to be kept by the chief officer of police for the purpose, according to the form No. 1. in the schedule to this Act annexed, and from and after such registration such dealer shall be subject to and shall conform to the several regulations herein-after provided, for such period, not exceeding three years, as such justices shall order; and if such dealer shall during such period be convicted of any offence under this Act, the justices so convicting him may order such period to be extended for not more than three years from the time when such period would otherwise expire; and in like manner, whilst such dealer is subject to the regulations of this Act, on any further conviction under this Act, and as often as such further conviction shall take place, the justices so convicting him may order the period for which he is then subject to such regulations to be extended for not more than three years from the time when such period would otherwise expire: Provided always, that where any dealer in old metals who is also a dealer in marine stores within the meaning of the four hundred and eightieth section of the Merchant Shipping Act, 1854, is registered as aforesaid, he shall likewise conform to the regulations contained in the said section of the said Act, and shall be liable to the penalties in the said section provided for not conforming to such regulations.

Dealer to give notice of change of place of business.

6. Every dealer in old metals who is subject to the regulations of this Act as aforesaid, shall upon removing to any other place of business give notice of such removal at the police office where he is registered, and if he shall continue to carry on business as a dealer in old metals without giving such notice, he shall incur a penalty not exceeding five pounds, and a penalty not exceeding ten shillings for every day after the first on which he continues to carry on such business without giving such notice; and where such dealer shall remove to any place out of the petty sessional district of a county or the city or borough in which he has been registered, it shall be the duty of the superintendent of police for such district, city, or borough to transmit a certificate of such registration signed by himself, which shall be evidence of such registration, together with a certified copy of any order of justices, as to the period for which such dealer is to be subject to the regulations of this Act, to the clerk of the justices for the district, city, or borough in which such dealer has taken up his residence, and any of the justices of such district, city, or borough

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may thereupon issue a summons to such dealer to appear before two justices, and if it shall appear to such justices that he intends carrying on business as a dealer in old metals, such justices may order him to be registered in the same manner as provided in the fifth section of this Act, and such registration shall have the same effect, during the period for which such dealer is to be subject to the regulations of this Act by any order of justices as aforesaid, as in the said section provided.

Inspectors and serjeants of police to visit places of business of registered dealers in old metals.

7. It shall be lawful for two justices by order in writing to authorize one or more inspectors or serjeants of police to visit at any time the places of business and inspect the goods and books of dealers in old metals who are subject to the regulations of this Act as aforesaid, and who carry on business within the district of a county or the city or borough for which such justices act, and every such inspector or serjeant shall and is hereby empowered to record in the book herein-after required to be kept by every such dealer in old metals the day and hour of his visit, and place opposite the entry of every article examined by him his initials or name in attestation of the same.

Regulations to be observed by registered dealers in old metals.

8. Every dealer in old metals who is registered as aforesaid shall, during the period which the justices shall order as above provided, conform to the following regulations; (that is to say,)

(1.) He shall keep a book or books fairly written, and shall enter therein, according to the form No. 2. in the schedule to this Act annexed, an account of all such old metals as he may from time to time become possessed of, stating in respect of each article the name of the person who purchased or received the same, and the time at which and the name of the person from whom he purchased or received the same, adding in the case of every such last-mentioned person a description of his business and place of abode; and he shall also enter in such book or books, according to the form No. 3. in the schedule to this Act annexed, an account of all such old metals as he may from time to time sell or dispose of, stating in respect of such old metals the name of the person to whom he sold or disposed of the same, adding a description of his business and place of abode; and every such entry in such book or books shall be deemed and taken, unless the contrary be shown, to have been made by or with the authority of the dealer in old metals to whom such book or books belong:

(2.) He shall not by himself or any other person purchase or receive any old metals of any description before the hour of nine in the morning nor after the hour of six in the evening, nor shall he by himself or any other

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person purchase or receive old metals of any description from any person apparently under the age of sixteen years, nor shall he employ any servant or apprentice or any other person under the age of sixteen years to purchase or receive old metals of any description:

(3.) He shall produce to any inspector or serjeant of police, authorized as in the last preceding section provided, whenever thereto requested, the book or books required to be kept as aforesaid, and any old metals purchased or received by him then in his possession; and such old metals shall be deemed to be in the possession of such dealer when they are placed in any house, outhouse, yard, garden, or place occupied by him, or shall have been removed with his knowledge and permission to any other place without a bonâ fide sale of such old metals having been made by him.

(4.) He shall without delay give notice to the officer on duty at the police station nearest to the place where he carries on business of any articles then in his possession or which shall thereafter come into his possession answering the description of any articles which have been stolen, embezzled, or fraudulently obtained, of which printed or written information, containing a description of such articles, is given to him by any officer of police:

(5.) He shall keep all old metals purchased or received by him without changing the form in which such articles were when so purchased, or disposing of the same in any way for a period of forty-eight hours after such article has been purchased or received:

For any act or default contrary to the foregoing regulations done or made by any registered dealer in old metals, during the period which the justices shall order as above provided, he shall incur a penalty of not less than twenty shillings and not exceeding five pounds, and for every subsequent offence a penalty of not less than five pounds and not exceeding twenty pounds.

Recovery of penalties.

9. Every penalty hereby incurred and all costs directed to be paid upon any information or complaint laid under the provisions of this Act shall be recovered summarily before any two or more justices of the peace in the manner directed by the Act of the eleventh and twelfth years of the reign of her Majesty Queen Victoria, chapter forty-three, or in such other manner as may be directed by any Act or Acts that may be passed for like purposes; and where any costs or expenses are incurred in or about the prosecution or carrying into effect of this Act, which are not recoverable under the provisions of the above Act, it shall be lawful for any two justices of the peace of any county or borough, if they shall think fit, to order and direct the same to

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be paid to the party incurring the same out of the same fund and in the same manner as is directed by the Act of the seventh year of the reign of his late Majesty King George the Fourth, chapter sixty-four, in cases of felony and misdemeanor.

Application of penalties.

10. The justices imposing any penalty under this Act may, if they shall think fit, direct the whole or any part thereof to be applied in compensating any person for any wrong or damage which he may have sustained by the act or default in respect of which such penalty is imposed, or to be applied in and towards payment of the expenses of the proceedings; and subject to such directions or specific application as aforesaid, all penalties shall be paid to the treasurer of the county or of the city or borough within which such penalties are recovered, and shall be carried to and form part of the county fund or of the city or borough fund of such county or of such city or borough respectively.

Appeal in certain cases.

11. In all cases of convictions under the fourth section of this Act, and in all other cases of convictions under this Act where a sum of money exceeding five pounds shall be adjudged to be paid, any person who thinks himself aggrieved by such conviction may appeal to the next court of general or quarter sessions(1) * * * * * Provided always, that in case the conviction appealed against shall be under the fourth section of this Act, and an order for registration has been made on such conviction, the party so convicted shall not be subject to the regulations of this Act until after such appeal is heard and determined against such party.

Limit of Act.

12. This Act shall extend to England only.

SCHEDULE.

No. 1.

REGISTER OF DEALERS IN OLD METALS.

Date of Registration.	Date of Conviction.	Period for which to be subject to Regulations of this Act.	Name.	Place of Abode and Business.

(1) As to this repeal, compare the peculiar language of the repealing enactment, 47 & 48 Vict. c. 43. s. 4.

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No. 2.

ENTRY OF PURCHASES AND RECEIPTS.

Day of Purchase or Receipt, and Hour of Day.	Description of old Metal purchased or received.	Name and Surname of Person who purchased or received.	Name and Surname of Person from whom purchased or received.	Business and Place of Abode of Person from whom purchased or received.

No. 3.

ENTRY OF SALES.

Day of Sale.	Description of old Metal sold.	Name and Surname of Person to whom sold.	Business and Place of Abode or Business of Person to whom sold.

25 & 26 Victoria.—A.D. 1862.

CAP. LXIII.

An Act to amend "The Merchant Shipping Act, 1854," "The Merchant Shipping Act Amendment Act, 1855," and "The Customs Consolidation Act, 1853."

[29th July 1862.]

WHEREAS it is expedient further to amend "The Merchant Shipping Act, 1854," "The Merchant Shipping Act Amendment Act, 1855," and "The Customs Consolidation Act, 1853": Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows: 17 & 18 Vict. c. 104. 18 & 19 Vict. c. 91. 16 & 17 Vict. c. 107.

1. This Act may be cited as "The Merchant Shipping Act Amendment Act, 1862," and shall be construed with and as part Short title.

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of "The Merchant Shipping Act, 1854," herein-after termed the principal Act.

* * * * * * *

Masters and Seamen (Part III. of Merchant Shipping Act, 1854).

Third part of Act to apply to fishing boats, light-house vessels, and pleasure yachts, with certain exceptions.

13. The following vessels; that is to say,

[(1)(1.) Registered seagoing ships exclusively employed in fishing on the coasts of the United Kingdom;]

(2.) Seagoing ships belonging to any of the three general lighthouse boards;

(3.) Seagoing ships being pleasure yachts;

Shall be subject to the whole of the third part of the principal Act; except,—sections 136, 143, 145, 147, 149(2), 150, 151, 152, 153, 154, 155, 157, 158, 161, 162, 166, 170, 171, 231, 256(3), 279, 280, 281, 282, 283, 284, 285, 286, and 287(4).

Construction of sect. 182 of principal Act. Stipulations concerning salvage.

18. It is hereby declared that the 182d section(5) of the principal Act does not apply to the case of any stipulation made by the seamen belonging to any ship, which according to the terms of the agreement is to be employed on salvage service, with respect to the remuneration to be paid to them for salvage services to be rendered by such ship to any other ship or ships.

Payment of wages to seamen abroad under sect. 209 of principal Act.

19. The payment of seamen's wages required by the 209th section(6) of the principal Act shall, whenever it is practicable so to do, be made in money and not by bill; and in cases where payment is made by bill drawn by the master, the owner of the ship shall be liable to pay the amount for which the same is drawn to the holder or indorsee thereof; and it shall not be necessary in any proceeding against the owner upon such bill to prove that the master had authority to draw the same; and any bill purporting to be drawn in pursuance of the said section, and to be indorsed as therein required, if produced out of the custody of the Board of Trade or of the registrar general of seamen, or of any superintendent of any mercantile marine office, shall be received in evidence; and any indorsement on any such bill purporting to be made in pursuance of the said section, and to be signed by one of the functionaries therein mentioned, shall also be received in evidence, and shall be deemed to be primâ facie evidence of the facts stated in such indorsement.

Wages and effects of deceased seamen.

20. The 197th section(7) of the principal Act shall extend to seamen or apprentices who within the six months immediately preceding their death have belonged to a British ship; and such

(1) The words in brackets are repealed except as to Scotland by 46 & 47 Vict. c. 41. s. 55.
(2) *See* p. 181, *ante*.
(3) *See* p. 207, *ante*.
(4) *See*, for ss. 280.-287., p. 213, *ante*.
(5) *See* p. 183, *ante*.
(6) *See* p. 192, *ante*.
(7) *See* p. 186, *ante*.

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section shall be construed as if there were inserted in the first line thereof after the words "such seaman or apprentice as last aforesaid" the words "or if any seaman or apprentice who has within the six months immediately preceding his death belonged to a British ship."

Relief of distressed seamen to be regulated by Board of Trade.

22. Whereas under the 211th and 212th sections(1) of the principal Act, and the 16th section(2) of "The Merchant Shipping Act Amendment Act, 1855," provision is made for relieving and sending home seamen found in distress abroad: And whereas doubts are entertained whether power exists under the said sections of making regulations and imposing conditions which are necessary for the prevention of desertion and misconduct and the undue expenditure of public money: Be it enacted, and it is hereby declared, that the claims of seamen to be relieved or sent home in pursuance of the said sections or any of them shall be subject to such regulations and dependent on such conditions as the Board of Trade may from time to time make or impose; and no seaman shall have any right to demand to be relieved or sent home except in the cases and to the extent provided for by such regulations and conditions.

Power of cancelling certificate to rest with the court which hears the case.

23. The following rules shall be observed with respect to the cancellation and suspension of certificates, that is to say:

(1.) The power of cancelling or suspending the certificate of a master or mate by the 242d section(3) of the principal Act conferred on the Board of Trade shall (except in the case provided for by the fourth paragraph of the said section) vest in and be exercised by the local marine board, magistrates, naval court,(4) Admiralty court, or other court or tribunal by which the case is investigated or tried, and shall not in future vest in or be exercised by the Board of Trade:

(2.) Such power shall extend to cancelling or suspending the certificates of engineers in the same manner as if "certificated engineer" or "certificated engineers" were inserted throughout such section after "master" or "masters":

(3.) Every such board, court, or tribunal shall at the conclusion of the case, or as soon afterwards as possible, state in open court the decision to which they may have come with respect to cancelling or suspending certificates, and shall in all cases send a full report upon the case, with the evidence, to the Board of Trade, and shall also, if they determine to cancel or suspend any certificate, forward such certificate to the Board of Trade with their report:

(1) *See* p. 193, *ante*. (2) *See* p. 237, *ante*. (3) *See* p. 201, *ante*.
(4) *See*, as to naval court, 17 & 18 Vict. c. 104. s. 260., p. 208, *ante*.

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(4.) It shall be lawful for the Board of Trade, if they think the justice of the case require it, to reissue and return any certificate which has been cancelled or suspended, or shorten the time for which it is suspended, or grant a new certificate of the same or any lower grade in place of any certificate which has been cancelled or suspended:

* * * * * * *

(6.) No certificate shall be cancelled or suspended under this section unless a copy of the report or a statement of the case upon which the investigation is ordered has been furnished to the owner of the certificate before the commencement of the investigation, nor, in the case of investigations conducted by justices or a stipendiary magistrate, unless one assessor at least expresses his concurrence in the report.

Certificate to be delivered up.

24. Every master or mate or engineer whose certificate is * * * * suspended or cancelled in pursuance of this Act shall, upon demand of the board, court, or tribunal by which the case is investigated or tried, deliver his certificate to them, or, if it is not demanded by such board, court, or tribunal, shall, upon demand, deliver it to the Board of Trade, or as it directs, and in default shall for each offence incur a penalty not exceeding fifty pounds.

Safety (Part IV. of Merchant Shipping Act, 1854).

Enactment of regulations concerning lights, fog signals, and sailing rules in schedule, table (C.)

25. On and after the first day of June one thousand eight hundred and sixty-three, or such later day as may be fixed for the purpose by order in council, the regulations(1) contained in the table marked (C.)(2) in the schedule hereto shall come into operation and be of the same force as if they were enacted in the body of this Act; but her Majesty may from time to time on the joint recommendation of the Admiralty and the Board of Trade, by order in council, annul or modify any of the said regulations, or make new regulations in addition thereto or in substitution therefor; and any alterations in or additions to such regulations made in manner aforesaid shall be of the same force as the regulations in the said schedule.

Regulations to be published.

26. The Board of Trade shall cause the said regulations and any alterations therein or additions thereto hereafter to be made

(1) *See* Dockyard Ports Regulation Act, 1865 (28 & 29 Vict. c. 125.), s. 7., p. 394, *post*, the Merchant Shipping Act, 1873 (36 & 37 Vict. c. 85.), s. 17., *post*, the Sea Fisheries Act, 1883 (46 & 47 Vict. c. 22.), s. 6., *post*, and the Submarine Telegraph Act, 1885 (48 & 49 Vict. c. 49.), s. 5., *post*.

(2) Table C. is omitted, being superseded by regulations under this section. The regulations now in force are made under the orders in council of 11th August 1884, 30th December 1884, and 24th June 1885.

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to be printed, and shall furnish a copy thereof to any owner or master of a ship who applies for the same; and production of the gazette in which any order in council containing such regulations or any alterations therein or additions thereto is published, or of a copy of such regulations, alterations, or additions, signed or purporting to be signed by one of the secretaries or assistant secretaries of the Board of Trade, or sealed or purporting to be sealed with the seal of the Board of Trade, shall be sufficient evidence of the due making and purport of such regulations, alterations, or additions.

Owners and masters bound to obey them.

27. All owners and masters of ships shall be bound to take notice of all such regulations as aforesaid, and shall, so long as the same continue in force, be bound to obey them, and to carry and exhibit no other lights and to use no other fog signals than such as are required by the said regulations; and in case of wilful default, the master, or the owner of the ship if it appear that he was in such fault, shall, for each occasion upon which such regulations are infringed, be deemed to be guilty of a misdemeanor.

Breaches of regulations to imply wilful default of person in charge.

28. In case any damage to person or property arises from the non-observance by any ship of any regulation made by or in pursuance of this Act, such damage shall be deemed to have been occasioned by the wilful default of the person in charge of the deck of such ship at the time, unless it is shown to the satisfaction of the court that the circumstances of the case made a departure from the regulation necessary.

* * * * * * *

Inspection for enforcing regulations.

30. The following steps may be taken in order to enforce compliance with the said regulations; that is to say,

(1.) The surveyors appointed under the third part of the principal Act, or such other persons as the Board of Trade may appoint for the purpose, may inspect any ships for the purpose of seeing that such ships are properly provided with lights and with the means of making fog signals in pursuance of the said regulations, and shall for that purpose have the powers given to inspectors by the 14th section(1) of the principal Act:

(2.) If any such surveyor or person finds that any ship is not so provided, he shall give to the master or owner notice in writing, pointing out the deficiency, and also what is, in his opinion, requisite in order to remedy the same:

(3.) Every notice so given shall be communicated in such manner as the Board of Trade may direct to the collector or collectors of customs at any port or ports from which such ship may seek to clear or at which her

(1) *See* p. 164, *ante*.

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transire is to be obtained; and no collector to whom such communication is made shall clear such ship outwards or grant her a transire, or allow her to proceed to sea, without a certificate under the hand of one of the said surveyors or other persons appointed by the Board of Trade as aforesaid, to the effect that the said ship is properly provided with lights and with the means of making fog signals in pursuance of the said regulations.

Rules for harbours under local Acts to continue in force.

31. Any rules concerning the lights or signals to be carried by vessels navigating the waters of any harbour, river, or other inland navigation, or concerning the steps for avoiding collision to be taken by such vessels, which have been or are hereafter made by or under the authority of any local Act, shall continue and be of full force and effect notwithstanding anything in this Act or in the schedule thereto contained.

In harbours and rivers where no such rules exist they may be made.

32. In the case of any harbour, river, or other inland navigation for which such rules are not and cannot be made by or under the authority of any local Act, it shall be lawful for her Majesty in council, upon application from the harbour trust or body corporate, if any, owning or exercising jurisdiction upon the waters of such harbour, river, or inland navigation, or, if there is no such harbour trust or body corporate, upon application from persons interested in the navigation of such waters, to make rules concerning the lights or signals to be carried, and concerning the steps for avoiding collision to be taken by vessels navigating such waters; and such rules, when so made, shall, so far as regards vessels navigating such waters, have the same effect as if they were regulations contained in table (C.) in the schedule to this Act, notwithstanding anything in this Act or in the schedule thereto contained.

Wreck and Salvage (*Part VIII.*(1) *of Merchant Shipping Act*, 1854).

Receiver may appoint a valuer in salvage cases.

50. Whenever any salvage question arises the receiver of wreck for the district may, upon application from either of the parties, appoint a valuer to value the property in respect of which the salvage claim is made, and shall, when the valuation has been returned to him, give a copy of the valuation to both parties; and any copy of such valuation, purporting to be signed by the valuer, and to be attested by the receiver, shall be received in evidence in any subsequent proceeding; and there shall be paid in respect of such valuation, by the party applying for the same, such fee as the Board of Trade may direct.

Delivery of wreck by receiver not to prejudice title.

52. Upon delivery of wreck or of the proceeds of wreck by any receiver to any person in pursuance of the provisions of

(1) As to Part VIII., *see* p. 216, *ante*.

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the eighth part of the principal Act such receiver shall be discharged from all liability in respect thereof, but such delivery shall not be deemed to prejudice or affect any question concerning the right or title to the said wreck which may be raised by third parties, nor shall any such delivery prejudice or affect any question concerning the title to the soil on which the wreck may have been found.

Arrangements concerning Lights, Sailing Rules, Salvage, and Measurement of Tonnage in the Case of Foreign Ships.

Foreign ships in British jurisdiction to be subject to regulations in table (C.) in schedule.

57. Whenever foreign ships are within British jurisdiction, the regulations for preventing collision contained in table (C.) in the schedule to this Act, or such other regulations for preventing collision as are for the time being in force under this Act, and all provisions of this Act relating to such regulations, or otherwise relating to collisions, shall apply to such foreign ships; and in any cases arising in any British court of justice concerning matters happening within British jurisdiction, foreign ships shall, so far as regards such regulations and provisions, be treated as if they were British ships.

Regulations, when adopted by a foreign country, may be applied to its ships on the high seas.

58. Whenever it is made to appear to her Majesty that the government of any foreign country is willing that the regulations for preventing collision contained in table (C.) in the schedule to this Act, or such other regulations for preventing collision as are for the time being in force under this Act, or any of the said regulations, or any provisions of this Act relating to collisions, should apply to the ships of such country when beyond the limits of British jurisdiction, her Majesty may, by order in council, direct that such regulations, and all provisions of this Act which relate to such regulations, and all such other provisions as aforesaid, shall apply to the ships of the said foreign country, whether within British jurisdiction or not.

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25 & 26 Victoria.—A.D. 1862.

CAP. LXIX.

An Act for transferring from the Admiralty to the Board of Trade certain Powers and Duties relative to Harbours and Navigation under Local and other Acts; and for other Purposes.(1) [29th July 1862.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Harbours Transfer Act, 1862.

(1) *See* Harbours Transfer Act, 1865, 28 & 29 Vict. c. 100., p. 387, *post*; and the Alderney Harbour (Transfer) Act, 1874, 37 & 38 Vict. c. 92., *post*.

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Interpretation of terms.

2. In this Act—

The term "the Admiralty" shall be taken to mean the lord high admiral of the United Kingdom for the time being, or the commissioners for the time being for executing the office of lord high admiral; and when the said term is used in reference to any other Act, it shall be taken to comprise any term whatsoever used in such other Act to designate such lord high admiral or commissioners:

The term "the Board of Trade" shall be taken to mean the lords of the committee of privy council for the time being appointed for the consideration of matters relating to trade and foreign plantations.

Preliminary Inquiries Act, 1851.(1)

Board of Trade may exercise powers under Preliminary Inquiries Act, 14 & 15 Vict. c. 49.

3. Whenever after the end of the present session of Parliament application is made to Parliament for any such Bill as is described in the Preliminary Inquiries Act, 1851, the Board of Trade may exercise the powers by that Act given to the Admiralty; and in relation to every such Bill that Act shall be read as if the Board of Trade were therein named instead of the Admiralty.

Board of Trade to inform Admiralty of pending schemes.

4. Provided always, as follows:

(1.) In each year as soon as may be, and not more than fourteen days after the deposit at the office of the Board of Trade of such documents as may be required by the standing orders of either House of Parliament to be there deposited with reference to such Bills as aforesaid, the Board of Trade shall furnish to the Admiralty a list of all such Bills for which applications to Parliament may be then pending, with a short statement of the nature of the works for the construction whereof powers are sought by such Bills respectively:

Admiralty may intervene where necessary for protection of interests of naval service.

(2.) Where in any case, on consideration of the information so furnished, the Admiralty are of opinion that it is proper for them to take steps for the protection of the interests of her Majesty's naval service, they may exercise the powers given to them by the Preliminary Inquiries Act, 1851, as if this Act had not been passed, and whether the standing orders of either House of Parliament may or may not have required any documents to be deposited at the Admiralty office.

Harbours, Docks, and Piers Clauses Act, 1847.

Consent, &c. of Board of Trade as to

5. With respect to any special Act that may be passed after the end of the present session of Parliament, the following

(1) *See* p. 129, *ante*.

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sections of the Harbours, Docks, and Piers Clauses Act, 1847, and all provisions relative thereto in that Act or in any such future special Act contained, shall be read and construed as if the Board of Trade were named in the said sections instead of the Admiralty; namely, sections twelve, thirteen, sixteen, eighteen, and nineteen.

harbour works on tidal lands, lifeboats, &c.

Railways Clauses Consolidation Acts, 1845.

6. With respect to any special Act that may be passed after the end of the present session of Parliament, sections seventeen of the Railways Clauses Consolidation Act, 1845, and the Railways Clauses Consolidation (Scotland) Act, 1845, respectively, and all provisions relative thereto in the said Acts or in any such future special Act contained, shall be read and construed as if the Board of Trade were named in the said sections instead of the Admiralty.

Consent and approval of Board of Trade to railway works on tidal lands.

Tramways (Ireland) Act, 1860.

7. With respect to applications made after the thirty-first day of December one thousand eight hundred and sixty-two, under the Tramways (Ireland) Act, 1860, section forty-one of that Act shall be read as if the Board of Trade were therein named instead of the Admiralty.

Plans, &c. to be deposited with Board of Trade under 23 & 24 Vict. c. 152. s. 41.

Special Acts for Railways, Harbours, &c.

8. Where any special or local or local and personal Act, or Act of a local or local and personal nature, already passed or to be passed before the end of the present session of Parliament,—

(1.) Authorizing or regulating the construction of a railway, or the execution of any work whatever, situate on or affecting tidal lands, or the shore of the sea or of any navigable river, where and so far up the same as the tide flows and reflows; or,

(2.) Authorizing or regulating the construction or improving of a harbour, dock, or pier, or works connected therewith, by any company, body corporate, commissioners, trustees, undertakers, persons or person; or,

(3.) Constituting or altering or regulating the constitution of any harbour or conservancy authority; or,

(4.) Altering or regulating the powers or duties of any harbour or conservancy authority,—

contains either expressly or by incorporation or reference or otherwise any provision for any of the purposes following:—

For preventing the construction or execution of any work or the doing of any thing without the consent or approval of the Admiralty, or for authorizing or requiring any work to

Powers for protection of navigation, &c. under local Acts for harbours, railways, and other works on tidal lands, &c. to be exercised by Board of Trade.

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be constructed, executed, or maintained, or any thing to be done with the consent or on the requisition or to the satisfaction of the Admiralty:

For empowering the Admiralty to exercise any authority concerning lifeboats, mortars, rockets, tide gauges, or barometers to be provided by any undertakers:

For empowering the Admiralty to make a local survey or examination at the expense of any company, body, or person:

For empowering the Admiralty, in case of any work being abandoned or suffered to fall into disuse or decay, or in any other case, to abate, remove, or alter any work or any part of it, or restore the site thereof to its former condition, at the like expense:

For empowering the Admiralty to exercise any authority concerning lights to be maintained at night during the construction or execution of any work:

For empowering the Admiralty or the first lord of the Admiralty to nominate or appoint a member or members of any board or body of trustees, commissioners, or conservators, or of any harbour or conservancy authority:

For empowering the Admiralty to determine any dispute or difference between or among any bodies or persons:

For empowering the Admiralty or the first lord of the Admiralty to nominate or appoint any arbitrator, referee, or umpire, or any engineer, inspector, or officer, or any person to fill any place or discharge any duty under such Act:

or any other provision for the protection, management, or regulation of harbours or navigation, or for the exercise of any control or power over or in relation to any harbour authority, or any other provision in anywise relating to conservancy, or authorizing or requiring any act or thing concerning harbours or navigation or conservancy to be done by or in relation to the Admiralty,—

Then from and after the thirty-first day of December one thousand eight hundred and sixty-two, such Acts and all enactments relative thereto shall be read and construed as if in the respective provisions aforesaid the Board of Trade were named instead of the Admiralty, and the president of the Board of Trade instead of the first lord of the Admiralty.

Power to Admiralty to retain authority over ports, &c. where dockyards, &c. are situate.

9. Provided always, that where it appears to the Admiralty that the interests of her Majesty's naval service require that the whole or any part of any harbour, port, bay, estuary, or navigable river in, on, or adjoining to which there is or shall be any of her Majesty's dockyards, victualling yards, steam factory yards, arsenals, or naval stations, should be excepted, either entirely or in some respects, out of the operation of the last

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foregoing section, the Admiralty may give notice in writing to the Board of Trade that any such harbour, port, bay, estuary, or navigable river as aforesaid, or such part thereof as is in the notice specified, is to be deemed so excepted, either entirely or in the respects therein mentioned; and every such notice shall be published by the Admiralty in the London, Edinburgh, or Dublin Gazette, (according as the place affected may be in England, Scotland, or Ireland,) and thereupon the harbour, port, bay, estuary, or navigable river to which such notice relates, or the part thereof therein specified, shall, either entirely or in the respects therein mentioned, as the case may require, be and remain as if this Act had not been passed, but any such notice may be from time to time varied or at any time revoked by a like notice published in like manner.

Exception as to Mersey and Thames.

10. Provided also, that nothing herein-before contained shall affect—

(1.) The Act of the session of the fifth and sixth years of her Majesty, "for better preserving the navigation of the "river Mersey": 5 & 6 Vict. c. cx.

(2.) So much of section three of the Act of the session of the twentieth and twenty-first years of her Majesty, "to "provide for the conservation of the river Thames, and "for the regulation, management, and improvement "thereof," as empowers the Admiralty to appoint two of the conservators of the river Thames. 20 & 21 Vict. c. cxlvii. s. 3.

General Pier and Harbour Act, 1861, *and Amendment Act.*

* * * * * * *

Board of Trade to furnish to Admiralty information as to applications for provisional orders.

13. In each year, not later than the seventh day of January, the Board of Trade shall furnish to the Admiralty a list of all applications for provisional orders under the last-mentioned Acts then pending, with a short statement of the nature of the works for the construction whereof powers are sought by such proposed provisional orders respectively.

Provisions of same Act made applicable to Board of Trade.

14. From and after the end of the present session of Parliament, the following sections of the General Pier and Harbour Act, 1861, Amendment Act, and all provisions relative thereto in any other Act or in any provisional order of the Board of Trade contained, shall be read and construed as if the Board of Trade were named in the said sections instead of the Admiralty; namely, sections seven, eight, nine, ten, and eleven.

Public Harbours: 46 *Geo.* 3. *c.* 153.

Notices of piers, &c. to be given to Board of Trade.

15. From and after the thirty-first day of December one thousand eight hundred and sixty-two the Act of the forty-sixth year of King George the Third (chapter one hundred and

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46 Geo. 3. c. 153.

fifty-three) "for the preservation of the public harbours of the "United Kingdom," shall be read as if the Board of Trade were therein named instead of the Admiralty.

Ballast: 54 Geo. 3. c. 159.

Provisions as to ballast to be administered by Board of Trade.

54 Geo. 3. c. 159. ss. 14, 16.

16. From and after the thirty-first day of December one thousand eight hundred and sixty-two, sections fourteen and sixteen of the Act of the fifty-fourth year of King George the Third (chapter one hundred and fifty-nine), "for the better "regulation of the several ports, harbours, roadsteads, sounds, "channels, bays, and navigable rivers in the United Kingdom, "and of his Majesty's docks, dockyards, arsenals, wharfs, moor- "ings, and stores therein, and for repealing several Acts passed "for that purpose," and all provisions in the said Act contained relative thereto, shall be read and construed as if the Board of Trade were named in the said sections instead of the Admiralty.

Holyhead and Portpatrick.

Transfer of harbours in schedule.

17.(1) On the first day of January one thousand eight hundred and sixty-three, the harbours specified in the schedule to this Act, and all breakwaters, piers, jetties, quays, wharves, lighthouses, roads, approaches, works, and buildings belonging thereto, and the ground and soil thereof, and all lands and hereditaments acquired for the purposes thereof, so far as on that day such harbours and property shall be vested in the Admiralty or in any commissioner for the execution of any Act for any estate or interest, but not further or otherwise, shall be transferred to and vested in the Board of Trade in trust for her Majesty, her heirs and successors, for the public service; and on and after the same day the enactments mentioned in the said schedule, and every other enactment relating to or affecting the same harbours shall be read and construed as if the Board of Trade were therein named instead of the Admiralty or instead of any such commissioner, as the case may be.

Powers, &c. under Acts in schedule and other Acts to be exercised by Board of Trade.

Savings.

Prerogative of Crown and general conservancy powers of Admiralty.

18. Nothing in this Act shall affect—

(1.) Any estate, right, title, interest, prerogative, royalty, jurisdiction or authority of or belonging to her Majesty the Queen, her heirs or successors, in right of her Crown, or of her office of admiral, or otherwise:

(2.) Any right, duty, power, jurisdiction, or authority vested in or performed or exercised by, or capable of being performed or exercised by, the lord high admiral of the

(1) Section 17. and the schedule are repealed—
by 36 & 37 Vict. c. 14. s. 1., as to so much as relates to Portpatrick Harbour;
by 37 & 38 Vict. c. 30. s. 2., as to so much as relates to the road described in schedule (A.) to that Act annexed.

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United Kingdom, or the commissioners for executing the office of lord high admiral, otherwise than under or by virtue of the several Acts and parts of Acts herein-before expressly mentioned or referred to.

Acts done, contracts and appointments made, proceedings pending, &c. under provisions of former Acts not to be prejudicially affected.

19. Nothing in this Act shall prejudicially affect—

(1.) Any purchase, sale, conveyance, covenant, contract, deed, act, or thing which before the passing of this Act has been or before the respective days whereon the several provisions of this Act commence and take effect shall be made, entered into, executed, or done under or by virtue of any Act or part of an Act herein-before expressly mentioned or referred to; and the same respectively shall continue in as full force and be as valid and effectual as if this Act had not been passed, the Board of Trade being only substituted for the Admiralty:

(2.) Any debt or money demand, or any right or cause of action or suit, or other remedy of, for, or against the Admiralty or any other body or person; and the same shall and may be paid, discharged, enjoyed, used, or exercised as if this Act had not been passed, the Board of Trade being only substituted for the Admiralty:

(3.) Any nomination or appointment of any member of any board or body of trustees, commissioners, or conservators, or of any harbour or conservancy authority, which before the passing of this Act has been or before the respective days aforesaid shall be made under any such Act as aforesaid:

* * * * * * *

Borrowing Powers of Harbour Authorities.

Power to borrow whether authorized by special Act or not. 25 & 26 Vict. c. 47. s. 3.

20. The power given to a harbour authority by the Harbours and Passing Tolls, &c. Act, 1861, to borrow from the public works loan commissioners, shall be deemed to apply whether the harbour authority has or has not power to borrow under a special Act.

Borrowing power not restrained by limitation of amount in special Act.

21. A harbour authority may, subject and according to the provisions of the last-mentioned Act, borrow money to any amount whatever, notwithstanding any limitation of the amount to be borrowed by such harbour authority contained in any special Act; but nothing in the Harbours and Passing Tolls, &c. Act, 1861, or in this Act, shall be deemed to give to any loan made or to be made under the Harbours and Passing Tolls, &c. Act, 1861, equality, as to order of charge or of payment of principal or interest, with any loan made or to be made under any special Act, except only as to such portion (if any) of the

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monies raised under the Harbours and Passing Tolls, &c. Act, 1861, as might have been raised under the special Act solely, or to repeal or alter any provision of any special Act whereby any harbour authority being a company is restricted from borrowing until a definite portion of capital is subscribed for or taken or paid up.

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SCHEDULE.(1)

Harbours.	Enactments.
Holyhead Harbour, and the Harbour of Refuge at or near Holyhead - -	17 & 18 Vict. c. 44.
* *	* * * * *

26 & 27 Victoria.—A.D. 1863.

CAP. XXIV.

An Act to facilitate the appointment of Vice Admirals and of Officers in Vice Admiralty Courts in Her Majesty's Possessions abroad, and to confirm the past Proceedings, to extend the Jurisdiction, and to amend the Practice of those Courts. [8th June 1863.]

WHEREAS it is expedient to facilitate the appointment of vice admirals and of officers in vice admiralty courts in her Majesty's possessions abroad, and to confirm the past proceedings, to extend the jurisdiction, and to amend the practice of those courts: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as the "Vice Admiralty Courts Act, 1863."(2)

Interpretation of terms.

2. In the interpretation and for the purposes of this Act (if not inconsistent with the context or subject matter) the following

(1) *See* note to s. 17., p. 328, *ante*.

(2) Read as one with the Vice-Admiralty Courts Act Amendment Act, 1867, 30 & 31 Vict. c. 45., p. 432, *post*; and see the Appellate Jurisdiction Act, 1876 (39 & 40 Vict. c. 59.), s. 23., *post*.

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terms shall have the respective meanings herein-after assigned to them; that is to say,

"Her Majesty" shall mean her Majesty, her heirs and successors:

The "Admiralty" shall mean the lord high admiral or the commissioners for executing his office:

"British possession" shall mean any colony, plantation, settlement, island, or territory being a part of her Majesty's dominions, but not being within the limits of the United Kingdom of Great Britain and Ireland, or of her Majesty's possessions in India:

"Governor" shall mean the officer for the time being lawfully administering the government of any British possession:

"Vice admiralty court" shall mean any of the existing vice admiralty courts enumerated in the schedule marked A. hereto annexed, or any vice admiralty court which shall hereafter be established in any British possession:

"Ship" shall include every description of vessel used in navigation not propelled by oars only, whether British or foreign:

"Cause" shall include any cause, suit, action, or other proceeding instituted in any vice admiralty court.

Appointment of vice admiral.

3. In any British possession, where the office of vice admiral is now or shall at any time hereafter become vacant, the governor of such possession shall be ex officio vice admiral thereof, until a notification is received in the possession that a formal appointment to that office has been made by the Admiralty in the manner herein-after mentioned.

Appointment of judge.

4. In any British possession, where the office of judge of a vice admiralty court is now or shall at any time hereafter become vacant, the chief justice, or the principal judicial officer of such possession, or the person for the time being lawfully authorized to act as such, shall be ex officio judge of the vice admiralty court, until a notification is received in the possession that a formal appointment to that office has been made by the Admiralty in the manner herein-after mentioned.

Appointment of registrar and marshal.

5. In any British possession, where the office of registrar or marshal of any vice admiralty court is now or shall at any time hereafter become vacant, the judge of the court may, with the approval of the governor, appoint some person to the vacant office, until a notification is received in the possession that a formal appointment thereto has been made by the Admiralty in the manner herein-after mentioned, and may, for good and reasonable cause, to be approved by the governor, remove the person so appointed. The judge may also appoint some person

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to act as registrar or marshal during the temporary absence of either of those officers.

Names of appointees, &c. to be notified to the home government.

6. On any vacancy in the office of judge, registrar, or marshal of any vice admiralty court, the governor of the British possession in which the court is established shall, as soon as is practicable, communicate to one of her Majesty's principal secretaries of state the fact of the vacancy, and the name of the person succeeding or appointed to the vacant office.

Saving the powers of the Admiralty.

7. Nothing in this Act contained shall be taken to affect the power of the Admiralty to appo nt any vice admiral, or any judge, registrar, marshal, or other officer of any vice admiralty court, as heretofore, by warrant from the Admiralty, and by letters patent issued under seal of the High Court of Admiralty of England.(1)

Past proceedings confirmed.

8. No act done by any person in the capacity of judge, registrar, or marshal of any vice admiralty court, which shall not have been set aside by any competent authority before the passing of this Act, shall be held invalid by reason that such person had not been duly appointed, but all such acts shall be as valid and effectual as if done by a person duly appointed.

Protection of officers.

9. No action, prosecution, or other proceeding shall be brought against any such person by reason of the illegality or informality of any act hereby declared to be valid and effectual.

Further jurisdiction of vice admiralty courts.

11. The vice admiralty courts shall also have jurisdiction—

(1.) In all cases of breach of the regulations and instructions relating to her Majesty's navy at sea:

(2.) In all matters arising out of droits of Admiralty.

Act not to restrict existing jurisdiction.

12. Nothing contained in this Act shall be construed to take away or restrict the jurisdiction conferred upon any vice admiralty court by any Act of Parliament in respect of seizures for breach of the revenue, customs, trade, or navigation laws, or of the laws relating to the abolition of the slave trade, or to the capture and destruction of pirates and piratical vessels, or any other jurisdiction now lawfully exercised by any such court; or any jurisdiction now lawfully exercised by any other court within her Majesty's dominions.

Limits of jurisdiction.

13. The jurisdiction of the vice admiralty courts, except where it is expressly c nfined by this Act to matters arising within the possession in which the court is established, may be exercised, whether the cause or right of action has arisen within or beyond the limits of such possession.

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(1) *See* Appellate Jurisdiction Act, 1876 (39 & 40 Vict. c. 59.), s. 23., *post*.

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SCHEDULE A.

List of the existing Vice Admiralty Courts to which this Act applies.

Antigua.
Bahamas.
Barbadoes.
Bermuda.
British Columbia.
British Guiana.
British Honduras.
Cape of Good Hope.
Ceylon.
Dominica.
Falkland Islands.
Gambia River.
Gibraltar.
Gold Coast.
Grenada.
Hong Kong.
Jamaica.
Labuan.
Lagos.
Lower Canada, otherwise Quebec.
Malta.
Mauritius.
Montserrat.
Natal.
Nevis.
New Brunswick.
Newfoundland.
New South Wales.
New Zealand.
Nova Scotia, otherwise Halifax.
Prince Edward Island.
Queensland.
Saint Christopher.
Saint Helena.
Saint Lucia.
Saint Vincent.
Sierra Leone.
South Australia.
Tasmania, formerly called Van Diemen's Land.
Tobago.
Trinidad.
Vancouver's Island.
Victoria.
Virgin Islands, otherwise Tortola.
Western Australia.

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26 & 27 Victoria.—A.D. 1863.

CAP. LXV.

An Act to consolidate and amend the Acts relating to the Volunteer Force in Great Britain.

[21st July 1863.]

WHEREAS it is expedient to consolidate and amend the Acts relating to the volunteer force in Great Britain:

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Volunteer Act, 1863. Short title.

PART V.(1)

ACQUISITION OF LAND FOR RANGES.

31. Subject to the provisions of this part of this Act, any volunteer corps may, with the assent of one of her Majesty's Power to corps to purchase land with

(1) The provisions of this part are incorporated in the Naval Artillery Volunteer Act, 1873. *See* 36 & 37 Vict. c. 77. s. 30., *post*. *See also* 34 & 35 Vict. c. 86. s. 17., *post*.

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consent of secretary of state.

principal secretaries of state, purchase, take on lease, or otherwise acquire any land or easement in land for rifle or artillery practice, and for the erection of butts, targets, batteries, and other accommodations for the use of the corps when practising with rifles or artillery.

Before giving his assent, the secretary of state shall send an inspector to the land for the purpose of ascertaining its capabilities for being converted into a rifle or artillery practice ground with due regard to the safety and convenience of the public, and shall give or withhold his assent accordingly.

8 & 9 Vict. c. 18. and 8 & 9 Vict. c. 19. relating to purchase of lands incorporated with this part of Act.

32. So much of the Lands Clauses Consolidation Act, 1845, and of the Lands Clauses Consolidation (Scotland) Act, 1845, and of any Act amending the said Acts, as relates to the purchase of land by agreement, shall be incorporated with this part of this Act.

Construction of terms, &c. of this part of Act, with reference to incorporated provisions.

In the construction of this part of this Act with the said incorporated provisions, this part of this Act shall be deemed the special Act; and the volunteer corps desirous of purchasing land shall be deemed the promoters of the undertaking; and under the term land a permanent right of shooting and drilling or any other interest or easement in land shall be included, and may be alone conveyed, while the fee simple or other interest in such land is reserved.

Power for landowner to give land to be used for purposes of this part of Act.

33. Any person seised or entitled in fee tail or for life of or to any manor or lands of freehold, copyhold, or customary tenure, and having the beneficial interest therein, or in Scotland being the proprietor under entail, and in possession for the time being, may, by way of gift, grant, convey, or enfranchise in fee simple or for a term of years any quantity not exceeding four acres of such land, or any limited right over land to any extent not exceeding twenty acres, to any volunteer corps, to be used by the corps for the purposes of this part of this Act; but so that any such grant, conveyance, or enfranchisement made by any person seised or entitled for life only of or to any such manor or lands shall not be valid beyond his own life, unless the person next entitled in remainder, in fee simple, or fee tail (if legally competent) is a party to and joins in such grant, conveyance, or enfranchisement:

Provided, that in the event of any land granted, conveyed, or enfranchised as aforesaid ceasing to be used for the purposes of this part of this Act, the same shall thereupon immediately revert to and become a portion of the estate of which it formed part before the grant, conveyance, or enfranchisement was made.

Power to commissioner of works to grant right of shooting in royal parks, &c.

34. The chief commissioner of her Majesty's works and public buildings may grant to any volunteer corps the right to use for the purpose of rifle practice or drill any portion of such royal parks, gardens, and possessions as are under his management, upon such terms, for such time, not exceeding twenty-one years, and subject to such other conditions, as he thinks fit; but any such grant shall be at all times revocable by her Majesty.

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Power to certain authorities to grant licences to use lands.

35. A licence to use, for the purposes of this part of this Act, any portion not exceeding four acres of the lands hereinafter mentioned, may be granted to any volunteer corps as follows:

(1.) In the case of lands belonging to the Crown—

By the commissioners of her Majesty's woods, forests, and land revenues, or either of them, on behalf of her Majesty, with the consent of the commissioners of her Majesty's Treasury:

(2.) In the case of lands forming part of the possessions of the duchy of Lancaster—

By the chancellor and council of the duchy by deed under the hand and seal of the chancellor, attested by the clerk of the council:

(3.) In the case of lands forming part of the possessions of the duchy of Cornwall—

By the Duke of Cornwall or other the persons for the time being having power to dispose of lands belonging to the duchy:

Provided—

First. That no such licence shall be granted for a longer term than twenty-one years; but any licence, when granted, may be renewed by the same authority that would have power to grant the same:

Secondly. That in the event of any land to which any such licence relates ceasing to be used for the purposes of this part of this Act, that licence shall thereupon cease absolutely.

Power to corporations, justices, trustees, &c. to grant licence to use land.

36. Any corporation, ecclesiastical or lay, sole or aggregate, any officer, justices of the peace, trustees, or commissioners holding land for public, ecclesiastical, or parochial purposes, may grant and from time to time renew any licence for the use, during any term not exceeding twenty-one years, by any volunteer corps, for the purposes of this part of this Act, of any land not exceeding four acres vested in such corporation, officers, justices, trustees, or commissioners, subject to the following provisions:

(1.) That an ecclesiastical corporation sole below the dignity of a bishop shall not make such a grant without the consent in writing of the bishop to whose jurisdiction he is subject, and of the patron of the preferment to which the land belongs, or the guardians or trustees of such patron.

(2.) That such a licence shall not be granted in respect of parochial property without the consent of the majority of the ratepayers and owners of property in the parish to which the same belongs, assembled at a meeting convened according to the mode pointed out by the

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5 & 6 Will. 4. c. 69.

Act of the session of the fifth and sixth years of King William the Fourth (chapter sixty-nine), "to facilitate "the conveyance of workhouses and other property of "parishes, and of incorporations or unions of parishes, "in England and Wales," and of the poor law commissioners, testified by their seal being affixed to the deed of grant, and of the guardians of the poor of the union within which the parish is comprised, or of the guardians of the poor of the parish where the administration of the relief of the poor therein is subject to a board of guardians, testified by such guardians being the parties to make the grant:

(3.) That where any officers, trustees, or commissioners other than parochial trustees make any such grant, it shall be sufficient if a majority or quorum authorized to act as such officers, trustees, or commissioners assembled at a meeting duly convened assent to such grant and execute the deed of grant, although they do not constitute a majority of the actual body of such officers, trustees, or commissioners:

(4.) That the justices of the peace may give their consent to the making of any such grant in respect of land belonging to any county, riding, or division by vote at their general quarter sessions, and may direct the same to be made in the manner directed to be pursued on the sale of the sites of gaols by the Act of the seventh year of King George the Fourth (chapter eighteen), "to authorise the disposal of unnecessary prisons in "England":

7 Geo. 4. c. 18.

(5.) That in the event of any land to which any such licence relates ceasing to be used for the purposes of this part of this Act, that licence shall thereupon cease absolutely.

Power to justices to stop up or divert footpaths for purposes of this part of Act.

37. Where a footpath crosses or runs inconveniently or dangerously near to any land purchased or acquired, or in respect of which any licence is granted, for the purposes of this part of this Act, such footpath may, with the consent of the vestry of the parish in which the same is situate, and upon the certificate of two justices that the footpath to be substituted is convenient for the public, be stopped up or diverted. All proceedings to obtain such certificate, and to stop up or divert such footpath, shall be taken in the manner in which proceedings are directed to be taken by the Act of the session of the fifth and sixth years of King William the Fourth (chapter fifty), "to consolidate and amend the laws relating to highways in that part "of Great Britain called England," in cases where a person other than the inhabitants in vestry is desirous of stopping up, diverting, or turning a highway, or as near thereto as circumstances admit; with this exception, that the certificate of the

Proceedings to be taken as directed by 5 & 6 Will. 4. c. 50.

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justices shall be conclusive in cases where it states the fact of their having viewed the footpath to be stopped up or diverted, and that the proposed new footpath is convenient for the public.

Power to Secretary of State to make byelaws.

38. One of her Majesty's principal secretaries of state, with a view to the safety and convenience of the public, may make byelaws for the regulation of shooting on grounds purchased, acquired, or used by any volunteer corps under this part of this Act, and for the prevention of intrusion thereon during the times of shooting. Any such byelaws may impose a reasonable pecuniary penalty, not exceeding five pounds, for any breach of a byelaw, so that the byelaw be so framed as to admit of part only of the maximum penalty being ordered to be paid; such penalties to be recoverable and applicable as penalties imposed by this Act are recoverable and applicable.

Proof of cesser of land being used for purposes of this part of Act.

39. Any land purchased or acquired or in respect of which any licence is granted under this part of this Act, shall be deemed to have ceased to be used for the purposes of this part of this Act where there has not been any such use by the corps by which the land was purchased or acquired, or to or for which the licence was granted for a period of one year, and a certificate of the fact of such non-user is given by one of her Majesty's principal secretaries of state; and such certificate shall be conclusive evidence of such fact as against all persons and in all courts of justice.

Exception of Isle of Man.

40. This part of this Act shall not extend to the Isle of Man, except that the power of granting licences, given in this part of this Act to the commissioners of her Majesty's woods, forests, and land revenues, shall extend to any allotment that may be made to, and any land that may be purchased on behalf of her Majesty, under the provisions of an Act of Tynwald, intituled "The Isle of Man Disafforesting Act, 1860."

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26 & 27 Victoria.—A.D. 1863.

CAP. LXIX.

An Act to establish Officers of the Royal Naval Reserve.(1) [21st July 1863.]

WHEREAS her Majesty is now empowered to avail herself of the services of certain officers of the merchant service of the United Kingdom, and of the colonies and dependencies thereof, as officers of reserve to the royal navy; and it is expedient to extend such power so as to enable her Majesty to

(1) *See* Merchant Shipping Act, 1872 (35 & 36 Vict. c. 73.), s. 17., *post*, which is to be read and construed as if it formed part of 26 & 27 Vict. c. 69.

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accept the services in the like capacity of other qualified persons; and it is also expedient that the provisions relating to such acceptance of services should be comprised in one Act: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to her Majesty to accept services of masters, &c. of merchant service.

1. It shall be lawful for her Majesty to accept from time to time the offers of any persons who have been, are, or shall be masters, mates, or engineers of ships in the merchant service aforesaid, or of other British ships not belonging to her Majesty, or of any persons who have been commissioned officers, masters, or engineers in the Indian naval force of her Majesty or in the naval force of the East India Company, to serve as officers of reserve to the royal navy, upon such terms and conditions as to her Majesty may from time to time seem fit.

Power to Admiralty to enrol officers of reserve to the royal navy.

2. The lord high admiral, or the commissioners for executing his office, herein-after called the Admiralty, may enrol as officers of reserve to the royal navy so many of such persons as aforesaid as the Admiralty may from time to time deem expedient, under and subject to such rules, orders, and regulations as the Admiralty may, with the consent of her Majesty in council, from time to time establish; and such persons so enrolled shall bear such rank in respect to the officers of the royal navy as the Admiralty may from time to time direct, and shall, when called out for training or exercise, or on actual service, be subject to all the laws, regulations, and customs for the time being in force for the government and discipline of the royal navy.

As to pay, allowances, and pensions of officers of reserve and pensions of widows of such officers.

3. Such persons so enrolled as officers of reserve shall be entitled to receive such pay and allowances as the Admiralty, with the consent of her Majesty in council, may from time to time appoint; and if any such person is disabled or receives any hurt or wound in actual service he shall be entitled to the same allowance or pension in respect thereof as an officer of the royal navy of corresponding rank would be entitled to under similar circumstances; and if any such person is killed in action, or dies from any wound or accident resulting from the performance of his duty, his widow (if any) shall be entitled to the same pension as the widow of an officer of the royal navy of corresponding rank would be entitled to under similar circumstances.

As to continuance of officers already enrolled.

4. It shall be lawful for her Majesty to continue the services of all persons who have been enrolled as officers of reserve to the royal navy before the passing of this Act, and the services of all such persons shall be deemed to be continued by her Majesty as if this Act had not been passed, unless and until her Majesty thinks fit to discontinue the same.

Provision as to existing and future regulations.

5. All rules, orders, and regulations relating to persons enrolled as officers of reserve to the royal navy made before the passing

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of this Act by the Admiralty, with the consent of her Majesty in council, shall, with respect to all persons enrolled before the passing of this Act, continue in force as if this Act had not been passed, and shall also extend and apply, as far as may be, mutatis mutandis, to all persons so enrolled after the passing of this Act, but so that any rules, orders, and regulations made as aforesaid from time to time under this Act may repeal or alter all or any part of any rules, orders, and regulations made before the passing of this Act, and shall, unless otherwise expressed, extend and apply as well to persons so enrolled before the passing of this Act as to persons so enrolled after the passing of this Act.

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Short title. 7. This Act may be cited as the Officers of Royal Naval Reserve Act, 1863.

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26 & 27 Victoria.—A.D. 1863.

CAP. CXI.

An Act to amend The Naval Medical Supplemental Fund Society Winding-up Act, 1861.(1)

[28th July 1863.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Appointment of new trustees of society by first lord of Admiralty on vacancies.

1. Notwithstanding anything in the Naval Medical Supplemental Fund Society Winding-up Act, 1861,(2) contained, from time to time, on the death or resignation, after the passing of this Act, of any one of the persons referred to in the said Act as the present trustees of the naval medical supplemental fund society, or of any person appointed a trustee of the society as herein-after provided, the vacancy caused thereby in the office of trustee shall be filled up by the appointment in writing by the lord high admiral or the first lord of the Admiralty (as the case may be) of another person to be a trustee of the society; and immediately on every such appointment all stocks and funds belonging to the society shall be so transferred as to vest in the body of trustees of the society for the time being; and the persons appointed or chosen under the said Act shall henceforth be deemed and called the managers of the society, and shall not be deemed or called trustees of the society.

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(1) *See* 22 Vict. c. 28., p. 269, *ante*, and the Naval Medical Supplemental Fund Society Winding-up Act, 1861, 24 & 25 Vict. c. 108., p. 309, *ante*.

(2) *See* 24 & 25 Vict. c. 108. s. 3., p. 310, *ante*.

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Repeal of section 8. of former Act, and substitution of new provisions.

2. Section eight of the said Act shall be repealed, and the following provision shall take effect in lieu thereof:

The managers of the society for the time being, on the joint direction in writing of the lord high admiral or the first lord of the Admiralty (as the case may be) and the secretary to the Admiralty, (such direction being given, if it seems fit, on the recommendation in writing of the managers of the society for the time being, or of any two or more of them, but not otherwise,) shall, with and out of the general fund in the said Act mentioned, purchase from time to time of and from the commissioners for the reduction of the national debt any such life annuities of not less than twenty-six pounds thirteen shillings and fourpence each as may be payable out of the funds of the society (being the amount of annuity now legally payable to the respective persons entitled thereto), and after providing for all such annuities as aforesaid shall, on such joint direction as aforesaid, (such direction being given, if it seems fit, on such recommendation as aforesaid, but not otherwise,) when and so soon as the general fund shall be sufficient for the purpose, apply the same in the purchase of and from the said commissioners, or any life assurance company in London or Westminster which may have been established for twenty-five years or upwards, such and so many reversionary life annuities as would or might have become payable if the said Act had not been passed.

Construction of sections 9. and 10. of former Act.

3. Sections nine and ten of the said Act shall be construed as if the last foregoing provision of this Act were substituted in the said Act for section eight thereof.

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27 & 28 Victoria.—A.D. 1864.

Cap. XXIV.

An Act to provide for the Appointment, Duties, and Remuneration of Agents for Ships of War, and for the Distribution of Salvage, Bounty, Prize, and other Money among the Officers and Crews thereof.(1)

[23d June 1864.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title.

1. This Act may be cited as the Naval Agency and Distribution Act, 1864.(2)

(1) This Act is applied by the Slave Trade Act, 1873 (36 & 37 Vict. c. 88.), s. 16., *post*.

(2) Nothing in the Naval Marine Pay and Pensions Act, 1865, applies to any money distributable under this Act, *see* 28 & 29 Vict. c. 73. s. 8., p. 377, *post*.

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Interpretation of terms.

2. In this Act—

The term "the lords of the Admiralty" means the lord high admiral of the United Kingdom, or the commissioners for executing the office of lord high admiral:

The term "the High Court of Admiralty" means the High Court of Admiralty of England:

The term "ship of war" includes vessel of war:

The term "officers and crew" includes all flag officers, commanders, and other officers, engineers, seamen, marines, soldiers, and others on board any of her Majesty's ships of war.

Power for Admiralty to apply Act to any of her Majesty's ships.

3. Any ship or vessel belonging to her Majesty, and in actual service, (other than a ship of war,) may be declared by the lords of the Admiralty to be a ship of war for the purposes of this Act; and all the provisions of this Act shall thereupon apply to such ship or vessel, and shall continue to so apply as long as she then continues in actual service, but no longer.

Appointment of Ship's Agent.

Each of her Majesty's ships to have an agent.

4. Each of her Majesty's ships of war shall at all times while in commission have, for the purposes of this Act, an agent styled the ship's agent, to be appointed in the first instance as soon as may be after the ship is put in commission, and afterwards from time to time as a vacancy in the office or other occasion may require.

Ship's agent to be appointed by commanding officer.

5. The ship's agent shall be appointed from time to time at pleasure by the commanding officer of the ship for the time being by an instrument signed and attested in the form given in the schedule to this Act.

Instrument of appointment to be registered and filed.

6. Any such instrument shall not have effect unless and until it is filed in the registry of the High Court of Admiralty, having been previously registered in the office of the accountant general of the navy.

An official copy of any such instrument under the seal of the High Court of Admiralty shall be conclusive evidence thereof.

Persons in service of Crown, proctors, &c. incapable of being agents.

7. A person holding any office or employment in her Majesty's service or under the Crown, or a proctor, attorney, or solicitor, shall not be capable of being a ship's agent.

If any person being a ship's agent accepts any such office or employment, or becomes a proctor, attorney, or solicitor, his appointment as ship's agent shall be thereby vacated.

Partnership body may be a ship's agent.

8. A partnership body, not incorporated, may be appointed a ship's agent; and in that case the partners for the time being, or any one or more of them, may act as the agent; and any change of partners shall not affect the appointment.

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The names of the partners shall at the time of appointment and from time to time on any change happening, be registered in the office of the accountant general of the navy, and in the registry of the High Court of Admiralty.

Change of commanding officer.

9. The appointment of the ship's agent shall not be affected by a change of the commanding officer of the ship.

Office of ship's agent.

10. The ship's agent shall at all times have an office or place of business within five miles of the General Post Office, London.

Ship's agent to be amenable to High Court of Admiralty.

11. The ship's agent shall be subject to the jurisdiction and authority of the High Court of Admiralty as if he were an officer of the court, and in case of any neglect or misconduct on his part shall be liable to be proceeded against and punished accordingly.

Duties of Ship's Agent.

Ship's agent to act for ship with respect to salvage, bounty, prize, &c.

12. It shall be the duty of the ship's agent, by himself or by a proper sub-agent appointed and remunerated by him, to take or cause or procure to be taken all steps and proceedings, and do or cause or procure to be done all things, that may be necessary or proper to be taken or done for any purpose on behalf or in the name of the ship or of the officers and crew thereof, or any of them, in the several cases following:

In case of salvage services rendered to any ship or cargo, or otherwise, within the meaning of the enactments for the time being in force relating to merchant shipping:

In case of any breach of any law respecting national character or otherwise relating to merchant shipping:

In case of any seizure for breach of any law relating to the customs:

In case of any seizure or capture under any Act relating to the abolition of the slave trade:

In case of any matter arising out of an attack on or engagement with persons alleged to be pirates, afloat or on shore:

In case of any capture, re-capture, or destruction of any ship, goods, or thing in time of war or hostilities:

In case of any special service or other matter in respect whereof any grant, reward, or remuneration is payable.

Distribution of Salvage, Bounty, Prize, and other Money.

Taxation and payment of costs of officers and crew, agents, &c.

13. Where in any of the several cases aforesaid any money is distributable among the officers and crew of any of her Majesty's ships of war, the costs, charges, and expenses of the officers and crew and of the ship's agent, and all other (if any) costs, charges, or expenses properly chargeable against that money, shall be paid thereout before distribution thereof, all such costs, charges, and expenses being first taxed and allowed by the proper officer of the court having jurisdiction in the

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case, and if there is no such court then by the registrar of the High Court of Admiralty.

Salvage, bounty, prize, and other money to be distributed according to order in council, &c.

14. In the several cases aforesaid, money distributable among the officers and crew of any of her Majesty's ships of war, so far as full provision respecting the distribution thereof is not made by or under any Act of Parliament other than this Act, shall be distributed under the direction of the lords of the Admiralty in the shares in that behalf specified in any royal proclamation or order in council.

Payment of shares.

15. The several shares of any such money as aforesaid shall be paid to the persons entitled thereto in such manner, and subject and according to such restrictions, conditions, and provisions, as may from time to time be directed by order in council.

Any assignment, sale, or contract of or relating to any such money as aforesaid, payable in respect of the services of any petty officer or seaman, non-commissioned officer of marines or marine, other than such as may be made or entered into under the authority of and in conformity with any such order in council, shall be void.

Exemption from stamp duty.

16. All bills,(1) orders, receipts, and other instruments drawn, given, or made under the authority or in pursuance of any such order in council by, to, or upon any officer or person in the service of her Majesty or of the lords of the Admiralty, shall be exempt from stamp duty.

Forfeited shares and deduction of 5 per cent. to be carried to naval prize cash balance.

17. All forfeited and unclaimed shares and balances of prize money, and a per-centage of five pounds in every one hundred pounds out of the proceeds of all prizes, and out of all grants to the royal navy and marines, and out of all bounty money, and also out of all other money distributable in the several cases aforesaid among the officers and crew of any of her Majesty's ships of war out of which such per-centage is at the commencement of this Act by law deducted, shall, under the direction of the lords of the Admiralty, continue to be carried to and to form part of the naval prize cash balance.

So much of the naval prize cash balance as the lords of the Admiralty think expedient shall from time to time by her Majesty's paymaster general, under the authority and direction of the lords of the Admiralty, be paid and transferred to the consolidated fund of the United Kingdom.

In case at any time a claim in respect of prize or bounty money is made which the naval prize cash balance is not sufficient to meet, there shall be paid out of the said consolidated fund a sufficient sum to meet such claim.

Agent may be furnished with copies of accounts.

18. A ship's agent shall be entitled, on request, and on payment of reasonable expenses, to be furnished with copies of or extracts

(1) *See* the word "bill," in the schedule to the Stamp Act, 1870, 33 & 34 Vict. c. 97., *post*.

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from any official accounts kept under or for the purposes of this Act, in relation to any of her Majesty's ships of war for which he is agent.

Remuneration of Ship's Agent.

Agent to receive per-centage of 2½ per cent.

19. Before any such money as aforesaid is distributed among the officers and crew of any of her Majesty's ships of war there shall be paid, under the direction of the lords of the Admiralty, to the ship's agent a per-centage of two and a half per centum on the net amount actually distributable, as the sole and full remuneration of the ship's agent for his services in the case.

Apportionment of per-centage where more than one ship, or on change of agent.

20. In the following cases,—

Where more than one of her Majesty's ships of war are entitled to participate in any such money,—

Where the ship's agent is changed pending proceedings,—

the ship's agent's per-centage shall, in case of difference, be apportioned between or among the respective agents of the several ships, or the several persons having been and being the ship's agent (as the case may be), in such manner as the registrar of the High Court of Admiralty thinks just, having regard to the duration and character of the services of the several agents in the case, subject to objection to the registrar's award to be taken before the judge of the court.

Investment of Salvage, Bounty, Prize, and other Money.

Power to Admiralty to direct investment pending distribution.

21. Any money for the time being awaiting distribution, but for any reason not immediately distributable as aforesaid, may, under the direction of the lords of the Admiralty, be invested in or on any proper stocks, funds, or securities; and the proceeds of those stocks, funds, or securities, and any dividends or interest accrued due thereon, shall be distributed as the money invested would have been distributed if an investment had not been made:

Provided that no such investment shall be made of any money pending any adverse claim thereto, except with the consent of the claimant.

Decision as to Distribution or Investment.

Power to High Court of Admiralty to decide questions relative to distribution, &c.

22. Where any question (whether in respect of asserted joint capture, or in respect of flag shares, or in respect of any other matter) arises concerning the distribution of any money distributable as aforesaid, or concerning any investment thereof, actual or intended, the High Court of Admiralty shall have exclusive jurisdiction to hear and determine the same; and any person claiming an interest in such money, or the lords of the Admiralty, may apply to the High Court of Admiralty for a judgment on that question; and the court, after hearing the parties interested shall decide thereon, and such decision shall be final, and shall be binding on all persons concerned.

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Miscellaneous.

Saving rights of the Crown, captors, &c.

23. Nothing in this Act shall—

(1.) authorize a ship's agent or his sub-agent to practise or act as a proctor, attorney, solicitor, or other legal practitioner in any court; or

(2.) affect the right or power of the officers and crew of any of her Majesty's ships of war as salvors, seizors, captors, re-captors, or otherwise, or of any of such officers and crew, to take or cause or procure to be taken any step or proceeding, or do or cause or procure to be done any thing, that may be necessary or proper to be taken or done for any purpose in any court or elsewhere, in case of the absence or default of the ship's agent; or

(3.) affect any right or power of control, or other authority, that her Majesty has or may exercise in any prize cause or other proceeding.

Not to affect appointments of agents under 26 & 27 Vict. c. 116.

24. Nothing in this Act shall invalidate an appointment of an agent made before the commencement of this Act under the Navy Prize Agents Act, 1863; but every agent so appointed shall, from the commencement of this Act, be subject to this Act as if he were appointed under it.

Power to make orders in council.

25. Her Majesty in council may from time to time make such orders as seem meet for the better execution of this Act.

Orders in council to be gazetted, &c.

26. Every order in council under this Act shall be published in the London Gazette, and shall be laid before both Houses of Parliament within thirty days after the making thereof, if Parliament is then sitting, and if not, then within thirty days after the next meeting of Parliament.

SCHEDULE.

Form of Appointment of Ship's Agent.

I, (1) commanding officer of her Majesty's (2) hereby appoint (3) of (4) to be the ship's agent for the purposes of the Naval Agency and Distribution Act, 1864.

Dated the day of

(Signed) A.B.

Witness,
(Signed) C.D.

(1) Name of officer.
(2) Description and name of ship.
(3) Name of agent.
(4) Address of agent.

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27 & 28 Victoria.—A.D. 1864.

Cap. XXV.

An Act for regulating Naval Prize of War.

[23d June 1864.]

WHEREAS it is expedient to enact permanently, with amendments, such provisions concerning naval prize, and matters connected therewith, as have heretofore been usually passed at the beginning of a war:

Be it therefore enacted by the Queen's most excellent Majesty by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title.

1. This Act may be cited as the Naval Prize Act, 1864.

Interpretation of terms.

2. In this Act—

The term "the lords of the Admiralty" means the lord high admiral of the United Kingdom, or the commissioners for executing the office of lord high admiral.

The term "the High Court of Admiralty" means the High Court of Admiralty of England:

The term "any of her Majesty's ships of war" includes any of her Majesty's vessels of war, and any hired armed ship or vessel in her Majesty's service:

The term "officers and crew" includes flag officers, commanders, and other officers, engineers, seamen, marines, soldiers, and others on board any of her Majesty's ships of war:

The term "ship" includes vessel and boat, with the tackle, furniture, and apparel of the ship, vessel, or boat:

The term "ship papers" includes all books, passes, sea briefs, charter parties, bills of lading, cockets, letters, and other documents and writings delivered up or found on board a captured ship:

The term "goods" includes all such things as are by the course of Admiralty and law of nations the subject of adjudication as prize (other than ships).

I.—Prize Courts.

High Court of Admiralty and other courts to be prize courts for purposes of Act.

3. The High Court of Admiralty, and every court of Admiralty or of vice-admiralty, or other court exercising Admiralty jurisdiction in her Majesty's dominions, for the time being authorized to take cognizance of and judicially proceed in matters of prize, shall be a prize court within the meaning of this Act.

Every such court, other than the High Court of Admiralty, is comprised in the term "vice-admiralty prize court," when hereafter used in this Act.

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High Court of Admiralty.

Jurisdiction of High Court of Admiralty.

4. The High Court of Admiralty shall have jurisdiction throughout her Majesty's dominions as a prize court.

The High Court of Admiralty as a prize court shall have power to enforce any order or decree of a vice-admiralty prize court, and any order or decree of the judicial committee of the privy council in a prize appeal.

Appeal; Judicial Committee.

Appeal to Queen in council, in what cases.

5. An appeal shall lie to her Majesty in council from any order or decree of a prize court, as of right in case of a final decree, and in other cases with the leave of the court making the order or decree.

Every appeal shall be made in such manner and form and subject to such regulations (including regulations as to fees, costs, charges, and expenses) as may for the time being be directed by order in council, and in the absence of any such order, or so far as any such order does not extend, then in such manner and form and subject to such regulations as are for the time being prescribed or in force respecting maritime causes of appeal.

Jurisdiction of judicial committee in prize appeals.

6. The judicial committee of the privy council shall have jurisdiction to hear and report on any such appeal, and may therein exercise all such powers as for the time being appertain to them in respect of appeals from any Court of Admiralty jurisdiction, and all such powers as are under this Act vested in the High Court of Admiralty, and all such powers as were wont to be exercised by the commissioners of appeal in prize causes.

Custody of processes, papers, &c.

7. All processes and documents required for the purposes of any such appeal shall be transmitted to and shall remain in the custody of the registrar of her Majesty in prize appeals.

Limit of time for appeal.

8. In every such appeal the usual inhibition shall be extracted from the registry of her Majesty in prize appeals within three months after the date of the order or decree appealed from if the appeal be from the High Court of Admiralty, and within six months after that date if it be from a vice-admiralty prize court.

The judicial committee may, nevertheless, on sufficient cause shown, allow the inhibition to be extracted and the appeal to be prosecuted after the expiration of the respective periods aforesaid.

Vice-Admiralty Prize Courts.

Enforcement of orders of high court, &c.

9. Every vice-admiralty prize court shall enforce within its jurisdiction all orders and decrees of the judicial committee in prize appeals and of the High Court of Admiralty in prize causes.

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Salaries of judges of vice-admiralty prize courts.

10. Her Majesty in council may grant to the judge of any vice-admiralty prize court a salary not exceeding five hundred pounds a year, payable out of money provided by Parliament, subject to such regulations as seem meet.

A judge to whom a salary is so granted shall not be entitled to any further emolument, arising from fees or otherwise, in respect of prize business transacted in his court.

An account of all such fees shall be kept by the registrar of the court, and the amount thereof shall be carried to and form part of the consolidated fund of the United Kingdom.

Retiring pensions of judges, as in 22 & 23 Vict. c. 26.

11. In accordance, as far as circumstances admit, with the principles and regulations laid down in the Superannuation Act, 1859,(1) her Majesty in council may grant to the judge of any vice-admiralty prize court an annual or other allowance, to take effect on the termination of his service, and to be payable out of money provided by Parliament.

Returns from vice-admiralty prize courts.

12. The registrar of every vice-admiralty prize court shall, on the first day of January and first day of July in every year, make out a return (in such form as the lords of the Admiralty from time to time direct) of all cases adjudged in the court since the last half-yearly return, and shall with all convenient speed send the same to the registrar of the High Court of Admiralty, who shall keep the same in the registry of that court, and who shall, as soon as conveniently may be, send a copy of the returns of each half year to the lords of the Admiralty, who shall lay the same before both Houses of Parliament.

General.

General orders for prize courts.

13. The judicial committee of the privy council, with the judge of the High Court of Admiralty, may from time to time frame general orders for regulating (subject to the provisions of this Act) the procedure and practice of prize courts, and the duties and conduct of the officers thereof and of the practitioners therein, and for regulating the fees to be taken by the officers of the courts, and the costs, charges, and expenses to be allowed to the practitioners therein.

Any such general orders shall have full effect, if and when approved by her Majesty in council, but not sooner or otherwise.

Every order in council made under this section shall be laid before both Houses of Parliament.

Every such order in council shall be kept exhibited in a conspicuous place in each court to which it relates.

Prohibition of officer of prize court acting as proctor, &c.

14. It shall not be lawful for any registrar, marshal, or other officer of any prize court, or for the registrar of her Majesty in prize appeals, directly or indirectly to act or be in any manner concerned as advocate, proctor, solicitor, or agent, or otherwise,

(1) *See* 22 Vict. c. 26., p. 264, *ante*.

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in any prize cause or appeal, on pain of dismissal or suspension from office, by order of the court or of the judicial committee (as the case may require).

Prohibition of proctors being concerned for adverse parties in a cause.

15. It shall not be lawful for any proctor or solicitor, or person practising as a proctor or solicitor, being employed by a party in a prize cause or appeal, to be employed or concerned, by himself or his partner, or by any other person, directly or indirectly, by or on behalf of any adverse party in that cause or appeal, on pain of exclusion or suspension from practice in prize matters, by order of the court or of the judicial committee (as the case may require).

II.—PROCEDURE IN PRIZE CAUSES.

Proceedings by Captors.

Custody of prize ships.

16. Every ship taken as prize, and brought into port within the jurisdiction of a prize court, shall forthwith, and without bulk broken, be delivered up to the marshal of the court.

If there is no such marshal, then the ship shall be in like manner delivered up to the principal officer of customs at the port.

The ship shall remain in the custody of the marshal or of such officer, subject to the orders of the court.

Bringing in of ship papers.

17. The captors shall, with all practicable speed after the ship is brought into port, bring the ship papers into the registry of the court.

The officer in command, or one of the chief officers of the capturing ship, or some other person who was present at the capture, and saw the ship papers delivered up or found on board, shall make oath that they are brought in as they were taken, without fraud, addition, subduction, or alteration, or else shall account on oath to the satisfaction of the court for the absence or altered condition of the ship papers or any of them.

Where no ship papers are delivered up or found on board the captured ship, the officer in command, or one of the chief officers of the capturing ship, or some other person who was present at the capture, shall make oath to that effect.

Issue of monition.

18. As soon as the affidavit as to ship papers is filed, a monition shall issue, returnable within twenty days from the service thereof, citing all persons in general to show cause why the captured ship should not be condemned.

Examinations on standing interrogatories.

19. The captors shall, with all practicable speed after the captured ship is brought into port, bring three or four of the principal persons belonging to the captured ship before the judge of the court or some person authorized in this behalf, by whom they shall be examined on oath on the standing interrogatories.

The preparatory examinations on the standing interrogatories shall, if possible, be concluded within five days from the commencement thereof.

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Adjudication by court.

20. After the return of the monition, the court shall, on production of the preparatory examinations and ship papers, proceed with all convenient speed either to condemn or to release the captured ship.

Further proof.

21. Where on production of the preparatory examinations and ship papers, it appears to the court doubtful whether the captured ship is good prize or not, the court may direct further proof to be adduced, either by affidavit or by examination of witnesses, with or without pleadings, or by production of further documents; and on such further proof being adduced the court shall with all convenient speed proceed to adjudication.

Custody, &c. of ships of war.

22. The foregoing provisions, as far as they relate to the custody of the ship, and to examination on the standing interrogatories, shall not apply to ships of war taken as prize.

Claim.

Entry of claim; security for costs.

23. At any time before final decree made in the cause, any person claiming an interest in the ship may enter in the registry of the court a claim, verified on oath.

Within five days after entering the claim, the claimant shall give security for costs in the sum of sixty pounds; but the court shall have power to enlarge the time for giving security, or to direct security to be given in a larger sum, if the circumstances appear to require it.

Appraisement.

Power to court to direct appraisement.

24. The court may, if it thinks fit, at any time direct that the captured ship be appraised.

Every appraisement shall be made by competent persons sworn to make the same according to the best of their skill and knowledge.

Delivery on Bail.

Power to court to direct delivery to claimant on bail.

25. After appraisement, the court may, if it thinks fit, direct that the captured ship be delivered up to the claimant, on his giving security to the satisfaction of the court to pay to the captors the appraised value thereof in case of condemnation.

Sale.

Power to court to order sale.

26. The court may at any time, if it thinks fit, on account of the condition of the captured ship, or on the application of a claimant, order that the captured ship be appraised as aforesaid (if not already appraised), and be sold.

Sale on condemnation.

27. On or after condemnation the court may, if it thinks fit, order that the ship be appraised as aforesaid (if not already appraised), and be sold.

How sales to be made.

28. Every sale shall be made by or under the superintendence of the marshal of the court or of the officer having the custody of the captured ship.

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Payment of proceeds to paymaster general or official accountant.

29. The proceeds of any sale, made either before or after condemnation, and after condemnation the appraised value of the captured ship, in case she has been delivered up to a claimant on bail, shall be paid under an order of the court either into the Bank of England to the credit of her Majesty's paymaster general, or into the hands of an official accountant (belonging to the commissariat or some other department) appointed for this purpose by the commissioners of her Majesty's Treasury or by the lords of the Admiralty, subject in either case to such regulations as may from time to time be made, by order in council, as to the custody and disposal of money so paid.

Small armed Ships.

One adjudication as to several small ships.

30. The captors may include in one adjudication any number, not exceeding six, of armed ships not exceeding one hundred tons each, taken within three months next before institution of proceedings.

Goods.

Application of foregoing provisions to prize goods.

31. The foregoing provisions relating to ships shall extend and apply, mutatis mutandis, to goods taken as prize on board ship; and the court may direct such goods to be unladen, inventoried, and warehoused.

Monition to Captors to proceed.

Power to court to call on captors to proceed to adjudication.

32. If the captors fail to institute or to prosecute with effect proceedings for adjudication, a monition shall, on the application of a claimant, issue against the captors, returnable within six days from the service thereof, citing them to appear and proceed to adjudication; and on the return thereof the court shall either forthwith proceed to adjudication or direct further proof to be adduced as aforesaid, and then proceed to adjudication.

Claim on Appeal.

Person intervening on appeal to enter claim.

33. Where any person, not an original party in the cause, intervenes on appeal, he shall enter a claim, verified on oath, and shall give security for costs.

III.—SPECIAL CASES OF CAPTURE.

Land Expeditions.

Jurisdiction of prize court in case of capture in land expedition.

34. Where, in an expedition of any of her Majesty's naval or naval and military forces against a fortress or possession on land, goods belonging to the state of the enemy or to a public trading company of the enemy exercising powers of government are taken in the fortress or possession, or a ship is taken in waters defended by or belonging to the fortress or possession, a prize court shall have jurisdiction as to the goods or ship so taken, and any goods taken on board the ship, as in case of prize.

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Conjunct Capture with Ally.

Jurisdiction of prize court in case of expedition with ally.

35. Where any ship or goods is or are taken by any of her Majesty's naval or naval and military forces while acting in conjunction with any forces of any of her Majesty's allies, a prize court shall have jurisdiction as to the same as in case of prize, and shall have power, after condemnation, to apportion the due share of the proceeds to her Majesty's ally, the proportionate amount and the disposition of which share shall be such as may from time to time be agreed between her Majesty and her Majesty's ally.

Joint Capture.

Restriction on petitions by asserted joint captors.

36. Before condemnation, a petition on behalf of asserted joint captors shall not (except by special leave of the court) be admitted, unless and until they give security to the satisfaction of the court to contribute to the actual captors a just proportion of any costs, charges, or expenses or damages that may be incurred by or awarded against the actual captors on account of the capture and detention of the prize.

After condemnation, such a petition shall not (except by special leave of the court) be admitted unless and until the asserted joint captors pay to the actual captors a just proportion of the costs, charges, and expenses incurred by the actual captors in the case, and give such security as aforesaid, and show sufficient cause to the court why their petition was not presented before condemnation.

Provided, that nothing in the present section shall extend to the asserted interest of a flag officer claiming to share by virtue of his flag.

Offences against Law Prize.

In case of offence by captors, prize to be reserved for Crown.

37. A prize court, on proof of any offence against the law of nations, or against this Act, or any Act relating to naval discipline, or against any order in council or royal proclamation, or of any breach of her Majesty's instructions relating to prize, or of any act of disobedience to the orders of the lords of the Admiralty, or to the command of a superior officer, committed by the captors in relation to any ship or goods taken as prize, or in relation to any person on board any such ship, may, on condemnation, reserve the prize to her Majesty's disposal, notwithstanding any grant that may have been made by her Majesty in favour of captors.

Pre-emption.

Purchase by Admiralty for public service of stores on board foreign ships.

38. Where a ship of a foreign nation passing the seas laden with naval or victualling stores intended to be carried to a port of any enemy of her Majesty is taken and brought into a port of the United Kingdom, and the purchase for the service of her Majesty of the stores on board the ship appears to the lords of the Admiralty expedient without the condemnation thereof in a

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prize court, in that case the lords of the Admiralty may purchase, on the account or for the service of her Majesty, all or any of the stores on board the ship; and the commissioners of customs may permit the stores purchased to be entered and landed within any port.

Capture by Ship other than a Ship of War.

Prizes taken by ships other than ships of war to be droits of Admiralty.

39. Any ship or goods taken as prize by any of the officers and crew of a ship other than a ship of war of her Majesty shall, on condemnation, belong to her Majesty in her office of Admiralty.

IV.—PRIZE SALVAGE.

Salvage to re-captors of British ship or goods from enemy.

40. Where any ship or goods belonging to any of her Majesty's subjects, after being taken as prize by the enemy, is or are retaken from the enemy by any of her Majesty's ships of war, the same shall be restored by decree of a prize court to the owner, on his paying as prize salvage one eighth part of the value of the prize to be decreed and ascertained by the court, or such sum not exceeding one eighth part of the estimated value of the prize as may be agreed on between the owner and the re-captors, and approved by order of the court: Provided that where the recapture is made under circumstances of special difficulty or danger, the prize court may, if it thinks fit, award to the re-captors as prize salvage a larger part than one eighth part, but not exceeding in any case one fourth part, of the value of the prize.

Provided also, that where a ship after being so taken is set forth or used by any of her Majesty's enemies as a ship of war, this provision for restitution shall not apply, and the ship shall be adjudicated on as in other cases of prize.

Permission to re-captured ship to proceed on voyage.

41. Where a ship belonging to any of her Majesty's subjects, after being taken as prize by the enemy, is retaken from the enemy by any of her Majesty's ships of war, she may, with the consent of the re-captors, prosecute her voyage, and it shall not be necessary for the re-captors to proceed to adjudication till her return to a port of the United Kingdom.

The master or owner, or his agent, may, with the consent of the re-captors, unload and dispose of the goods on board the ship before adjudication.

In case the ship does not, within six months, return to a port of the United Kingdom, the re-captors may nevertheless institute proceedings against the ship or goods in the High Court of Admiralty, and the court may thereupon award prize salvage as aforesaid to the re-captors, and may enforce payment thereof, either by warrant of arrest against the ship or goods, or by monition and attachment against the owner.

V.—PRIZE BOUNTY.

Prize bounty to officers and crew present

42. If, in relation to any war, her Majesty is pleased to declare, by proclamation or order in council, her intention to

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at engagement with an enemy.

grant prize bounty to the officers and crews of her ships of war, then such of the officers and crew of any of her Majesty's ships of war as are actually present at the taking or destroying of any armed ship of any of her Majesty's enemies shall be entitled to have distributed among them as prize bounty a sum calculated at the rate of five pounds for each person on board the enemy's ship at the beginning of the engagement.

Ascertainment of amount of prize bounty by decree of prize court.

43. The number of the persons so on board the enemy's ship shall be proved in a prize court, either by the examinations on oath of the survivors of them, or of any three or more of the survivors, or if there is no survivor by the papers of the enemy's ship, or by the examinations on oath of three or more of the officers and crew of her Majesty's ship, or by such other evidence as may seem to the court sufficient in the circumstances.

The court shall make a decree declaring the title of the officers and crew of her Majesty's ship to the prize bounty, and stating the amount thereof.

The decree shall be subject to appeal as other decrees of the court.

Payment of prize bounty awarded.

44. On production of an official copy of the decree the commissioners of her Majesty's Treasury shall, out of money provided by Parliament, pay the amount of prize bounty decreed, in such manner as any order in council may from time to time direct.

VI.—MISCELLANEOUS PROVISIONS.

Ransom.

Power for regulating ransom by order in council.

45. Her Majesty in council may from time to time, in relation to any war, make such orders as may seem expedient, according to circumstances, for prohibiting or allowing, wholly or in certain cases, or subject to any conditions or regulations or otherwise, as may from time to time seem meet, the ransoming or the entering into any contract or agreement for the ransoming of any ship or goods belonging to any of her Majesty's subjects, and taken as prize by any of her Majesty's enemies.

Any contract or agreement entered into, and any bill, bond, or other security given for ransom of any ship or goods, shall be under the exclusive jurisdiction of the High Court of Admiralty as a prize court (subject to appeal to the judicial committee of the privy council), and if entered into or given in contravention of any such order in council shall be deemed to have been entered into or given for an illegal consideration.

If any person ransoms or enters into any contract or agreement for ransoming any ship or goods, in contravention of any such order in council, he shall for every such offence be liable to be proceeded against in the High Court of Admiralty at the suit of her Majesty in her office of Admiralty, and on conviction to be fined, in the discretion of the court, any sum not exceeding five hundred pounds.

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Convoy.

Punishment of masters of merchant vessels under convoy disobeying orders or deserting convoy.

46. If the master or other person having the command of any ship of any of her Majesty's subjects, under the convoy of any of her Majesty's ships of war, wilfully disobeys any lawful signal, instruction, or command of the commander of the convoy, or without leave deserts the convoy, he shall be liable to be proceeded against in the High Court of Admiralty at the suit of her Majesty in her office of Admiralty, and upon conviction to be fined, in the discretion of the court, any sum not exceeding five hundred pounds, and to suffer imprisonment for such time, not exceeding one year, as the court may adjudge.

Customs Duties and Regulations.

Prize ships and goods liable to duties and forfeiture.

47. All ships and goods taken as prize and brought into a port of the United Kingdom shall be liable to and be charged with the same rates and charges and duties of customs as under any Act relating to the customs may be chargeable on other ships and goods of the like description; and

All goods brought in as prize which would on the voluntary importation thereof be liable to forfeiture or subject to any restriction under the laws relating to the customs, shall be deemed to be so liable and subject, unless the commissioners of customs see fit to authorize the sale or delivery thereof for home use or exportation, unconditionally or subject to such conditions and regulations as they may direct.

Regulations of customs to be observed as to prize ships and goods.

48. Where any ship or goods taken as prize is or are brought into a port of the United Kingdom, the master or other person in charge or command of the ship which has been taken or in which the goods are brought shall, on arrival at such port, bring to at the proper place of discharge, and shall, when required by any officer of customs, deliver an account in writing under his hand concerning such ship and goods, giving such particulars relating thereto as may be in his power, and shall truly answer all questions concerning such ship or goods asked by any such officer, and in default shall forfeit a sum not exceeding one hundred pounds, such forfeiture to be enforced as forfeitures for offences against the laws relating to the customs are enforced, and every such ship shall be liable to such searches as other ships are liable to, and the officers of the customs may freely go on board such ship and bring to the Queen's warehouse any goods on board the same, subject, nevertheless, to such regulations in respect of ships of war belonging to her Majesty as shall from time to time be issued by the commissioners of her Majesty's Treasury.

Power for Treasury to remit customs duties in certain cases.

49. Goods taken as prize may be sold either for home consumption or for exportation; and if in the former case the proceeds thereof, after payment of duties of customs, are in-

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sufficient to satisfy the just and reasonable claims thereon, the commissioners of her Majesty's Treasury may remit the whole or such part of the said duties as they see fit.

Perjury.

Punishment of persons guilty of perjury.

50. If any person wilfully and corruptly swears, declares, or affirms falsely in any prize cause or appeal, or in any proceeding under this Act, or in respect of any matter required by this Act to be verified on oath, or suborns any other person to do so, he shall be deemed guilty of perjury, or of subornation of perjury (as the case may be), and shall be liable to be punished accordingly.

Limitation of Actions, &c.

Actions against persons executing Act not to be brought without notice, &c.

51. Any action or proceeding shall not lie in any part of her Majesty's dominions against any person acting under the authority or in the execution or intended execution or in pursuance of this Act for any alleged irregularity or trespass, or other act or thing done or omitted by him under this Act, unless notice in writing (specifying the cause of the action or proceeding) is given by the intending plaintiff or prosecutor to the intended defendant one month at least before the commencement of the action or proceeding, nor unless the action or proceeding is commenced within six months next after the act or thing complained of is done or omitted, or, in case of a continuation of damage, within six months next after the doing of such damage has ceased.

In any such action the defendant may plead generally that the act or thing complained of was done or omitted by him when acting under the authority or in the execution or intended execution or in pursuance of this Act, and may give all special matter in evidence; and the plaintiff shall not succeed if tender of sufficient amends is made by the defendant before the commencement of the action; and in case no tender has been made, the defendant may, by leave of the court in which the action is brought, at any time pay into court such sum of money as he thinks fit, whereupon such proceeding and order shall be had and made in and by the court as may be had and made on the payment of money into court in an ordinary action; and if the plaintiff does not succeed in the action, the defendant shall receive such full and reasonable indemnity as to all costs, charges, and expenses incurred in and about the action as may be taxed and allowed by the proper officer, subject to review; and though a verdict is given for the plaintiff in the action he shall not have costs against the defendant, unless the judge before whom the trial is had certifies his approval of the action.

Any such action or proceeding against any person in her Majesty's naval service, or in the employment of the lords of the Admiralty, shall not be brought or instituted elsewhere than in the United Kingdom.

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Petitions of Right.

52. A petition of right, under the Petitions of Right Act, 1860, may, if the suppliant thinks fit, be intituled in the High Court of Admiralty, in case the subject matter of the petition or any material part thereof arises out of the exercise of any belligerent right on behalf of the Crown, or would be cognizable in a prize court within her Majesty's dominions if the same were a matter in dispute between private persons. Jurisdiction of High Court of Admiralty on petitions of right in certain cases, as in 23 & 24 Vict. c. 34.

Any petition of right under the last-mentioned Act, whether intituled in the High Court of Admiralty or not, may be prosecuted in that court, if the lord chancellor thinks fit so to direct.

The provisions of this Act relative to appeal, and to the framing and approval of general orders for regulating the procedure and practice of the High Court of Admiralty, shall extend to the case of any such petition of right intituled or directed to be prosecuted in that court; and, subject thereto, all the provisions of the Petitions of Right Act, 1860, shall apply, mutatis mutandis, in the case of any such petition of right; and for the purposes of the present section the terms "court" and "judge" in that Act shall respectively be understood to include and to mean the High Court of Admiralty and the judge thereof, and other terms shall have the respective meanings given to them in that Act.

Orders in Council.

53. Her Majesty in council may from time to time make such orders in council as seem meet for the better execution of this Act. Power to make orders in council.

54. Every order in council under this Act shall be published in the London Gazette, and shall be laid before both Houses of Parliament within thirty days after the making thereof, if Parliament is then sitting, and, if not, then within thirty days after the next meeting of Parliament. Order in council to be gazetted, &c.

Savings.

55. Nothing in this Act shall— Not to affect rights of Crown; effect of treaties, &c.

(1.) give to the officers and crew of any of her Majesty's ships of war any right or claim in or to any ship or goods taken as prize or the proceeds thereof, it being the intent of this Act that such officers and crews shall continue to take only such interest (if any) in the proceeds of prizes as may be from time to time granted to them by the Crown; or

(2.) affect the operation of any existing treaty or convention with any foreign power; or

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(3.) take away or abridge the power of the Crown to enter into any treaty or convention with any foreign power containing any stipulation that may seem meet concerning any matter to which this Act relates; or

(4.) take away, abridge, or control, further or otherwise than as expressly provided by this Act, any right, power, or prerogative of her Majesty the Queen in right of her Crown, or in right of her office of Admiralty, or any right or power of the lord high admiral of the United Kingdom, or of the commissioners for executing the office of lord high admiral; or

(5.) take away, abridge, or control, further or otherwise than as expressly provided by this Act, the jurisdiction or authority of a prize court to take cognizance of and judicially proceed upon any capture, seizure, prize, or reprisal of any ship or goods, and to hear and determine the same, and, according to the course of Admiralty and the law of nations, to adjudge and condemn any ship or goods, or any other jurisdiction or authority of or exerciseable by a prize court.

Commencement.

Commencement of Act.

56. This Act shall commence on the commencement of the Naval Agency and Distribution Act, 1864.

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27 & 28 Victoria.—A.D. 1864.

CAP. LVII.

An Act to make Provision respecting the Acquisition of Lands required by the Admiralty for the Public Service, and respecting the Use and Disposition thereof, and the Execution of Works thereon.

[25th July 1864.]

WHEREAS it is expedient to make provision for the acquisition by the Admiralty, by agreement, of lands required for the public service:

And whereas it is expedient to consolidate into one general Act sundry provisions usually introduced into special Acts from time to time empowering the Admiralty to purchase particular lands for the public service by agreement or compulsorily, and that as well for the purpose of avoiding the necessity of repeating such provisions in each of the several special Acts as for insuring greater uniformity in the provisions themselves:

And whereas it is expedient to make provision respecting the use and management of lands held by the Admiralty for the

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public service, and respecting the disposition thereof when no longer required for the public service, and also respecting the execution of works by the Admiralty in certain cases:

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title.

1. This Act may be cited as the Admiralty Lands and Works Act, 1864.

Interpretation of terms.

2. In this Act—

The term "the Admiralty" means the lord high admiral of the United Kingdom or the commissioners for executing the office of lord high admiral:

The term "the Lands Clauses Acts" means with respect to lands in England the Lands Clauses Consolidation Act, 1845,(1) and with respect to lands in Scotland the Lands Clauses Consolidation (Scotland) Act, 1845,(2) together with in each case the Lands Clauses Consolidation Acts Amendment Act, 1860,(3) and with respect to lands in Ireland the Railways Act (Ireland), 1851,(4) including Acts incorporated in or amending the same:

The term "lands" includes any estate, term, easement, right, or interest in, to, over, or affecting lands.

In the construction of the Lands Clauses Acts in connection with this Act the term "the promoters of the undertaking" therein used shall mean the Admiralty, and the term "lands" therein used shall have the meaning herein-before assigned to it.

I.—ACQUISITION OF LANDS BY AGREEMENT.

Power to Admiralty to take lands by agreement.

3. Subject and according to the provisions of this Act, the Admiralty may from time to time by agreement purchase or take lands requisite for her Majesty's naval service, or for the use or requirements of any force or department in the employment or under the direction or control of the Admiralty, and for that purpose may enter into, execute, and do all necessary and proper contracts, assurances, and things.

Incorporation of Lands Clauses Acts, except provisions giving compulsory powers, &c.

4. For the purposes of any such purchase or taking, the Lands Clauses Acts shall be incorporated with this Act (for which purpose this Act shall be deemed the special Act), except as to so much of the Lands Clauses Acts as relates to the purchase or taking of lands otherwise than by agreement, and to access to the special Act.

(1) 8 & 9 Vict. c. 18.
(2) 8 & 9 Vict. c. 19.
(3) 23 & 24 Vict. c. 106.
(4) 14 & 15 Vict. c. 70.

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II.—ACQUISITION OF LANDS UNDER SPECIAL ACTS.

Incorporation of Lands Clauses Acts with special Acts.

5. Where by any special Act of the present or any future session compulsory powers of purchasing or taking particular lands are given to the Admiralty, the Lands Clauses Acts shall, subject to the provisions of this Act, be incorporated with the Act giving those powers (which shall for this purpose be deemed the special Act), except as to so much of the Lands Clauses Acts as relates to access to the special Act.

Power to Admiralty to withdraw notice for purchase within limited time.

6. If in any case, after notice has been given by the Admiralty for the compulsory purchase or taking of any lands under any such special Act as aforesaid of the present or any future session, it appears to the Admiralty, from a change of circumstances, or other reasons, unnecessary or inexpedient to complete the purchase or taking of such lands, or any part thereof, the Admiralty may within two months after giving the notice give to the parties entitled to receive the first notice a further notice to the effect that they thereby withdraw the first notice wholly or in part, and thereupon the lands comprised in the notice of withdrawal shall be discharged from the effect of the first notice wholly or to the extent of the notice of withdrawal (as the case may be); provided that nothing herein shall—

(1.) prejudice any claim of any owner of or person interested in such lands for compensation for such damage (if any) as he may have sustained in consequence of the giving of the first notice; or

(2.) give to any person receiving notice for the purchase or taking of lands any further or other right as against the Admiralty than he would have had if this enactment had not been made.

Incorporation of Railways Clauses Acts as to correction of errors, &c. in books of reference, &c.

7. In every such special Act as aforesaid of the present or any future session there shall also be incorporated, where the lands authorized to be purchased or taken compulsorily are situate in England or Ireland, sections seven and ten of the Railways Clauses Consolidation Act, 1845,(1) and where the lands are situate in Scotland, sections seven and ten of the Railways Clauses Consolidation (Scotland) Act, 1845,(2) for which purpose such Act, of the present or any future session shall be deemed the special Act, and the Admiralty shall be deemed the company.

Limit of time for compulsory purchases.

8. The powers of the Admiralty for the compulsory purchase of lands for the purposes of any such special Act as aforesaid of the present or any future session shall not be exercised after the expiration of five years from the passing of that Act.

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(1) 8 & 9 Vict. c. 20. (2) 8 & 9 Vict. c. 33.

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III.—Vesting, Management, &c. of Lands.

Lands to vest in lords of Admiralty, &c. for the time being.

9. Lands purchased or taken by the Admiralty as aforesaid, by agreement or compulsorily, shall, according to the nature and quality of such lands, and the estate, term, or interest acquired by the Admiralty therein, vest(1) in the Admiralty for the time being, and go to and be held by the lord high admiral for the time being, or the commissioners for the time being for executing the office of lord high admiral, in succession, in trust for her Majesty, her heirs and successors, for the public service.

Powers of management, &c. of lands.

10. Subject to the provisions of this Act and of any such special Act as aforesaid of the present or any future session, the Admiralty may use lands purchased or taken by them under this Act or under any such Act in such manner as may seem most beneficial for the public service, and shall have in relation thereto all such powers of management and leasing, and all such other powers, and all such rights, as would be had in relation thereto by any individual holding the same for such estate, term, or interest as the Admiralty have therein.

Actions and suits by and against Admiralty as to lands.

11. The Admiralty may bring or defend any action or suit relative to any lands contracted to be purchased or taken by them under this Act, or under any such special Act as aforesaid of the present or any future session; and may bring any action of ejectment or other action or suit for recovering possession of any lands purchased or taken by them under this Act, or under any such special Act as aforesaid of the present or any future session, and may distrain or sue for any arrears of rents due to them in respect thereof; and may bring any action or suit in respect of any trespass or encroachment committed thereon or damage done thereto, or any other action or suit in respect thereof; and may defend any action or suit in respect thereof; and in every such action or suit the Admiralty may be styled "The Lord High Admiral of the United Kingdom" or "The "Commissioners for executing the Office of Lord High Admiral "of the United Kingdom" (as the case may require), without more; and any such action or suit shall not be affected by any change in the Admiralty; and in any such action or suit the Admiralty shall be liable and entitled to pay or receive costs according to the ordinary rules observed in actions between subject and subject.

Recovery of Possession.

As to recovery of possession of land in England from tenants.

12. Where any lease or agreement of or concerning lands in England purchased or taken by the Admiralty under this Act or under any such special Act as aforesaid of the present or any future session, is determined by expiration, notice, or forfeiture

(1) *See* 28 & 29 Vict. c. 89. s. 23., p. 380, *post*.

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(except for nonpayment of rent), the following provisions shall take effect:

(1.) Possession of such lands may be recovered by the Admiralty under the Act of the session of the first and second years of her Majesty (chapter seventy-four) "to "facilitate the recovery of possession of tenements "after due determination of the tenancy," as in cases therein provided for, although the term or interest of the tenant may have exceeded seven years, and the rent may have exceeded the rate of twenty pounds a year, and a fine may have been reserved or made payable:

1 & 2 Vict. c. 74.

(2.) The notice of intention to apply to justices to recover possession under that Act may require possession to be given up on or before the expiration of seven clear days from the service of the notice, and the form of notice may be varied accordingly:

(3.) The justices by that Act authorized to issue a warrant for giving possession may by such warrant authorize entry and delivery of possession either forthwith or on or before such day as the justices think fit:

(4.) Such possession as aforesaid may (at the option of the Admiralty) be recovered with rent or mesne profits, or both, under the Act of the session of the nineteenth and twentieth years of her Majesty (chapter one hundred and eight) "to amend the Acts relating to the county "courts," as in cases provided for in section fifty of that Act, and the provisions auxiliary thereto, although the value of the premises and the rent payable in respect thereof may have exceeded fifty pounds by the year; and it shall not be necessary to prove the yearly value and rent as thereby required.

19 & 20 Vict. c. 108.

As to recovery of possession of land in Ireland from tenants.

13. Where any lease or agreement of or concerning lands in Ireland purchased or taken by the Admiralty under this Act or under any such special Act as aforesaid of the present or any future session, is determined by expiration, notice, or forfeiture (except for nonpayment of rent), the following provisions shall take effect:

(1.) Possession of such lands may be recovered by the Admiralty, as provided by section seventy-two of the Act of the session of the fourteenth and fifteenth years of her Majesty (chapter fifty-seven), "to consolidate and "amend the laws relating to civil bills and the courts "of quarter sessions in Ireland, and to transfer to assis- "tant barristers certain jurisdiction as to insolvent "debtors," in the case of lands holden by a tenant at a rent not exceeding fifty pounds per annum, and the

14 & 15 Vict. c. 57.

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tenant's interest wherein is determined, notwithstanding the rent payable under such lease or agreement may exceed that amount:

(2.) Such possession as aforesaid may (at the option of the Admiralty) be recovered, as provided by section fifteen of the Summary Jurisdiction (Ireland) Act, 1851, for the recovery of possession of houses in certain towns and villages: 14 & 15 Vict. c. 92.

(3.) The last-mentioned mode of recovery shall apply wherever the lands may be situate, and at and for whatever rent and term the same may have been holden; and notwithstanding anything in the last-mentioned provision, the justices authorized to issue a warrant for giving possession may by such warrant authorize possession to be given forthwith, or on or before such day as the justices think fit; and the justices may, if they think fit, issue such warrant notwithstanding the tenant may be willing to give such undertaking as in that provision mentioned.

Sale.

Exemption from incorporation of provisions as to sale of superfluous lands.

14. Notwithstanding anything in this Act, such provisions of the Lands Clauses Acts as relate to the disposal of superfluous lands, and to the effect of the words "grant" and "dispone" respectively in any conveyance, shall not apply to lands purchased or taken by the Admiralty under this Act or under any such special Act as aforesaid of the present or any future session.

Power to Admiralty to sell lands not required for public service.

15. Where any lands purchased or taken by the Admiralty under this Act or under any such special Act as aforesaid of the present or any future session appear to the Admiralty to be no longer required to be held by them for the public service, the Admiralty may, with the previous consent of the lords commissioners of the Treasury, sell the same, and may for that purpose enter into, execute, and do all necessary or proper contracts, assurances, and things.

Rights of pre-emption preserved.

16. Nothing in this Act shall take away any right of pre-emption to which any person is for the time being entitled under the Lands Clauses Acts in respect of any lands purchased or taken by the Admiralty under this Act, or under any such special Act as aforesaid of the present or any future session.

Payment of purchase money.

17. The purchase money payable on any sale under this Act shall be paid to her Majesty's paymaster general, whose receipt shall be an effectual discharge for the same.

Lands vested indefeasibly in purchaser.

18. On the payment of such purchase money and the execution and delivery to the purchaser by the Admiralty of the

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necessary or proper assurance of the lands sold, the purchaser shall, notwithstanding any defect in the title of the Admiralty thereto, stand seised or possessed thereof for such estate or interest as may be expressed or intended to be assured to him, freed and absolutely discharged (save as in the assurance may be expressed) from all prior estates, interests, rights, and claims therein or thereto.

Compensation by Admiralty for prior interests (if any) afterwards established.

19. If, nevertheless, at any time after any such sale, any such prior estate, interest, right, or claim as aforesaid is made out to the satisfaction of the Admiralty to be capable of being established at law or in equity, or is so established, the Admiralty shall make compensation for the same.

For the purposes of the present section the provisions of the Lands Clauses Acts with respect to interests in lands which have by mistake been omitted to be purchased shall apply and take effect as if the lands had not been sold by the Admiralty, or as near thereto as circumstances admit, with this addition, namely,—that such compensation shall not in any case exceed the amount of the purchase money received by the Admiralty on the sale of the lands in respect whereof such estate, interest, right, or claim is made out or established, exclusive of the value of any buildings or improvements erected or made thereon by the Admiralty for the public service.

IV.—WORKS.

Incorporation of Railways Clauses Acts as to certain works, roads, &c.

20. Where, by any such special Act as aforesaid of the present or any future session, powers for the execution of particular works are given to the Admiralty, there shall be incorporated with the Act giving those powers (which shall for this purpose be deemed the special Act) the following provisions, namely:

Where the lands on which the works are authorized to be executed are situate in England or Ireland, sections eighteen, nineteen, twenty, twenty-one, twenty-two, and twenty-four of the Railways Clauses Consolidation Act, 1845, and the provisions of the same Act with respect to the temporary occupation of lands near the railway during the construction thereof:

Where the lands on which the works are authorized to be executed are situate in Scotland, sections eighteen, nineteen, twenty, twenty-one, twenty-two, and twenty-four of the Railways Clauses Consolidation (Scotland) Act, 1845, and the provisions of the same Act with respect to the temporary occupation of lands near the railway during the construction thereof:

And for the purposes of the present section the works authorized to be executed shall be deemed the railway, and the Admiralty shall be deemed the company, within the meaning of the incorporated provisions.

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V.—MISCELLANEOUS.

Exception from incorporation of requirements as to bonds.

21. Notwithstanding anything in this Act, so much of any provision by this Act incorporated with any such special Act as aforesaid of the present or any future session as requires a bond to be given in relation to any lands or works shall not be incorporated with such Act, but in any such case, in lieu of such bond, and with the same effect as if such bond were given, the Admiralty shall give an undertaking in writing to the like purport (as nearly as circumstances admit) as the condition of such bond.

Provision for purchase money, &c.

22. All purchase, compensation, or other money under this Act, or under any such special Act as aforesaid of the present or any future session, agreed to be paid by or recovered against the Admiralty, shall be paid by them out of money to be provided and appropriated for that purpose by Parliament.

Service of notices, &c.

23. Any notice, summons, writ, or other document required to be served on the Admiralty for the purposes of this Act, or of any such special Act as aforesaid of the present or any future session, may be served by being delivered to the secretary of the Admiralty, or by being sent to him by post in a registered letter, addressed to him at the Admiralty Office, Whitehall, London, or by being left for him there; and any document so sent by post shall be considered as served on the day on which such letter would be delivered in the ordinary course of post.

Any notice, summons, writ, or other document required to be served on behalf of the Admiralty for the purposes aforesaid may be given under the hand of such officer or person as the Admiralty from time to time direct.

Application of pecuniary penalties, &c.

24. Notwithstanding anything in this Act, or in any Act relating to municipal corporations or to the metropolitan police, or in any other Act, any pecuniary penalty or other money recovered under this Act, or under any such special Act as aforesaid of the present or any future session, or in relation to lands purchased or taken by the Admiralty under this Act or under any such Act, shall be paid and applied as the Admiralty direct.

Protection to Admiralty against penalties, &c.

25. The Admiralty shall not, by reason of anything done or omitted to be done in the execution or intended execution or in pursuance of this Act or of any such special Act as aforesaid of the present or any future session, or in relation to any lands purchased or taken by them under this Act or under any such Act, be liable collectively or individually to any fine, penalty, or forfeiture, or to execution of any process against the person or property, anything in any Act incorporated with this Act or with any such Act notwithstanding.

Extension of provisions as to actions and suits.

26. The provisions of this Act respecting actions and suits by and against the Admiralty relative to lands shall apply in relation

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to all lands for the time being purchased or taken or contracted to be purchased or taken by the Admiralty under any general or special Act in force at the passing of this Act.

Nothing to affect rights of Admiralty.

27. Nothing in this Act shall take away or prejudicially affect any power, right, or authority that would or might have been vested in or exercised by the Admiralty if this Act had not been passed.

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27 & 28 Victoria.—A.D. 1864.

CAP. LXXXIX.

An Act to amend The Defence Act, 1842.(1)

[29th July 1864.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Effect of past orders in council under sect. 5. of 5 & 6 Vict. c. 94.

1. Where, under section five of the Defence Act, 1842,(2) any order in council has been made before the passing of this Act transferring to any body or persons, for any public service, the management, control, and use of any land, the land in the order comprised, with the appurtenances, shall, from the passing of this Act, be vested in the body or persons in the order described for an absolute estate in fee simple, in trust for her Majesty, her heirs and successors, for the public service in the order mentioned.

Effect of future orders in council.

2. Where, under the said section, any order in council is made after the passing of this Act, whereby any hereditaments are expressed to be transferred to any body or persons for any public service, the hereditaments in the order comprised shall by virtue of the order and of this Act be vested, to all intents, at law and in equity, in the body or persons to whom the transfer is expressed to be made, for the estate or interest for which the same are in the order expressed to be transferred, to be held by the body or persons aforesaid in trust for her Majesty, her heirs and successors, for the public service in the order mentioned.

Saving of rights of all persons.

3. Nothing in this Act shall affect any estate, interest, right, or claim in or to any land or hereditaments comprised in any such order, made or to be made, other than such estate, interest, right, or claim as at the time of the making of the order was or is had therein or thereto by or in trust for her Majesty, her heirs and successors.

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(1) *See* 5 & 6 Vict. c. 94. s. 5., p. 109, *ante*.

(2) For the title the Defence Act, 1842, *see* the Defence Act, 1860 (23 & 24 Vict. c. 112.), s. 48.

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4. Any land or hereditaments vested under this Act in the lord high admiral of the United Kingdom, or the commissioners for executing his office, shall so vest and shall be held and used subject and according to the provisions of the Admiralty Lands and Works Act, 1864,(1) as if the same had been purchased or taken by agreement under that Act. Land, &c. vested under this Act to be held according to 27 & 28 Vict. c. 57.

5. This Act may be cited as "The Defence Act Amendment Act, 1864." Short title.

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27 & 28 Victoria.—A.D. 1864.

CAP. CIII.

An Act to authorize the Acquisition of Lands by the Admiralty with a view to the extension of Portsmouth Dockyard, and for other purposes connected therewith. [29th July 1864.]

WHEREAS it is expedient that the Admiralty be empowered to acquire certain property, and to execute certain works, with a view to the extension of her Majesty's dockyard at Portsmouth:

And whereas a plan and sections and a book of reference relating to such lands and works have been deposited with the clerk of the peace for the county of Southampton, which are herein-after referred to as the deposited plan, sections, and book of reference:

May it therefore please your Majesty that it may be enacted; and be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as the Portsmouth Dockyard Act, 1864. Short title.

2. Terms used in this Act have the same meanings as the same terms have in the Admiralty Lands and Works Act, 1864.(1) Interpretation.

Lands.

3. Subject and according to the provisions of the Admiralty Lands and Works Act, 1864,(1) the Admiralty may, by agreement or compulsorily, purchase or take all or any part of the lands described in the deposited plan and book of reference, or any interest or easement in or over the same lands or any of them. Power to Admiralty to take lands specified.

(1) 27 & 28 Vict. c. 57, p. 358, *ante*.

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Works.

Power to execute works according to plans and sections.

4. Subject and according to the provisions of the Admiralty Lands and Works Act, 1864,(1) the Admiralty may, on the lands taken by them under this Act, and in the lines, and on the levels, and within the limits of deviation shown on the deposited plan and sections, make and execute the works shown on the deposited plan, or any of them; which works comprise the following; namely—

First.—To make and erect a new landing place or hard, pier, or wharf on and along the shore of the harbour of Portsmouth on the eastern side of the Portsea Island gasworks at or near Flathouse, and extending for a distance of four hundred and twenty feet or thereabouts along the said shore from the eastern boundary wall of the said gasworks (herein-after called the new landing place):

Second.—To make, dredge, deepen, and scour a channel or approach up to the new hard, commencing from the western end of Rotten Row Lake where the same joins Fountain Lake in the said harbour:

Third.—To make a new road or street to commence at Unicorn Gate in the town of Portsea, and to terminate by a junction with a certain street in the parish of Portsea, called Herbert Street, at the west end thereof:

Fourth.—To permanently stop up and discontinue so much of a certain carriage-road and footpath in the parish of Portsea (known as Flathouse Road) as lies between the west end of Abercrombie Street and the northern end of Flathouse Row:

Fifth.—To permanently stop up and discontinue so much of the carriage-road and footpath leading from Flathouse Road past the Portsea Island gasworks (known as Flathouse, otherwise Flathouse Road,) as lies between Flathouse Row and the manager's house and offices attached to the said gasworks:

Sixth.—To permanently stop up and discontinue the carriage-road and footpath called Unicorn Gate Road, leading from Unicorn Gate, in the parish of Portsea, to Abercrombie Street:

Seventh.—To permanently stop up and discontinue all roads, ways, paths, and passages leading into, across, or from the several carriage-roads and footpaths aforesaid:

Eighth.—To permanently stop up and discontinue the several roads or ways known as Pitt Street, Portland Street, and Stewart's Row, passing over and across the lands and fields commonly called Pesthouse Fields in the parish of Portsea:

And may erect, make, and maintain all buildings, erections, drains, sewers, ways, and works necessary or proper for the execution, management, or use of the said several works.

(1) 27 & 28 Vict. c. 57., p. 358, *ante*.

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Substitution of new landing place for present "hard."

5. As soon as the Admiralty have completed and opened for public use the new landing place (of which completion and opening a certificate under the hand of the recorder of Portsmouth shall be conclusive evidence, which certificate the said recorder shall sign on being satisfied of such completion and opening) the following provisions shall take effect; namely,—

(1.) The Admiralty may permanently stop up and discontinue (as against the public) the now-existing public hard or way, passage, pier, or landing place on the shore of Portsmouth harbour, known as Anchor Gate Wharf (herein-after called the present hard), and the approach thereto:

(2.) Thenceforth all rights of way and other rights, and all powers, interests, privileges, and easements, in, over, or affecting the present hard and the approach thereto, or any part thereof respectively, shall be extinguished, and the present hard and the approach thereto and the soil thereof respectively shall vest absolutely and exclusively in the Admiralty, subject nevertheless and according to the provisions of the Admiralty Lands and Works Act, 1864:(1)

(3.) The right and obligation to maintain, repair, watch, light, and manage the new landing place and the property therein shall devolve on and be vested in the corporation, commissioners, trustees, or public body or persons for the time being charged with the maintenance, repair, watching, lighting, and management of the public streets and ways of the parish of Portsea:

(4.) The Admiralty shall from time to time dredge, scour, and keep open a proper channel or approach up to the new hard.

Admiralty to maintain new road from Unicorn Gate.

6. The Admiralty shall at all times maintain and repair the new road or street commencing at Unicorn Gate (being the work thirdly herein-before described).

When foreshore is purchased, and roads, &c. stopped up, rights of way, &c. to be extinguished.

7. As soon as any part of the foreshore which the Admiralty are by this Act authorized to purchase or take is purchased or taken by them, or any road, footpath, or way which the Admiralty are by this Act authorized to permanently stop up and discontinue is stopped up by them, all rights of way and other rights, and all powers, interests, privileges, and easements, in, over, or affecting the same or any part thereof respectively, shall be extinguished, and the same part of the foreshore, road, footpath, or way, and the soil thereof respectively, shall vest absolutely and exclusively in the Admiralty, subject nevertheless and according to the provisions of the Admiralty Lands and Works Act, 1864.(1)

(1) 27 & 28 Vict. c. 57., p. 358, *ante*.

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The Portsea Island Gaslight Company to be allowed to construct two jetties.

8. The Portsea Island Gaslight Company may, at their own expense, at or any time after the passing of this Act, erect and construct two jetties from that portion of their works which is situate between the Flathouse otherwise the Flathouse Road and the shore of the said harbour to the channel or approach herein-before described, and which the Admiralty are by this Act authorized to make and execute, and may thenceforth use such jetties for any purpose whatsoever connected with their undertaking: Provided always, that all the works of and in relation to the said jetties shall be executed under the direction and to the satisfaction of the Admiralty; and that if at any time hereafter the Admiralty, by notice in writing under the hand of one of the secretaries of the Admiralty and delivered at the office of the said company, require the said company to remove the said jetties, or either of them, the said company shall within three months from the delivery of such notice remove the same accordingly, and restore the site thereof to its former condition; and if they fail wholly or in part so to do, then on or at any time after the expiration of that period the Admiralty may remove or complete the removal of such jetty or jetties and restore the site thereof to its former condition at the expense of the said company, and the amount of such expense shall be a debt due from the said company to the Crown, and be recoverable accordingly with costs, or the same may be recovered, with costs, as a penalty is or may be recovered from the said company.

As to road through the works of the Portsea Island Gaslight Company.

9. So much of the said road known as Flathouse otherwise Flathouse Road as is situate in front and to the north-east of the manager's house and offices attached to the said gas works, and between the point where the premises of the company on the south-east side of such road commence and the point where the premises of the said company on the north-west side of such road terminate, shall from and immediately after the passing of this Act become the property of the said gas company, and may thenceforth be appropriated and used by them as part of their undertaking.

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28 & 29 Victoria.—A.D. 1865.

CAP. XIV.

An Act to make better Provision for the Naval Defence of the Colonies. [7th April 1865.]

WHEREAS it is expedient to enable the several colonial possessions of her Majesty the Queen to make better provision for naval defence, and to that end to provide and man vessels of war, and also to raise a volunteer force to form part of the royal naval reserve established under the Act of

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Parliament of 1859 "for the establishment of a reserve volunteer force of seamen, and for the government of the same,"(1) (hereafter in this Act called the Act of 1859,) and accordingly to be available for general service in the royal navy in emergency: 22 & 23 Vict. c. 40.

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Colonial Naval Defence Act, 1865. Short title.

2. In this Act— Interpretation.

The term "colony" includes any plantation, island, or other possession within her Majesty's dominions, exclusive of the United Kingdom of Great Britain and Ireland, and of the islands being immediate dependencies thereof, and exclusive of India as defined(2) by the Act of Parliament of 1858 "for the better government of India":

The term "the Admiralty" means the lord high admiral of the United Kingdom, or the commissioners for executing the office of lord high admiral.

3. In any colony it shall be lawful for the proper legislative authority, with the approval of her Majesty in council, from time to time to make provision for effecting at the expense of the colony all or any of the purposes following: Power for colonies to provide vessels and raise men and commission officers, &c.

(1.) For providing, maintaining, and using a vessel or vessels of war, subject to such conditions and for such purposes as her Majesty in council from time to time approves:

(2.) For raising and maintaining seamen and others entered on the terms of being bound to serve as ordered in any such vessel:

(3.) For raising and maintaining a body of volunteers entered on the terms of being bound to general service in the royal navy in emergency, and if in any case the proper legislative authority so directs, on the further terms of being bound to serve as ordered in any such vessel as aforesaid:

(4.) For appointing commissioned, warrant, and other officers to train and command or serve as officers with any such men ashore or afloat, on such terms and subject to such

(1) *See* p. 270, *ante*.

(2) *See* 21 & 22 Vict. c. 106. s. 1.,—

"The government of the territories now in the possession or under the government of the East India Company, and all powers in relation to government vested in or exercised by the said company in trust for Her Majesty, shall cease to be vested in or exercised by the said company; and all territories in the possession or under the government of the said company, and all rights vested in or which if this Act had not passed might have been exercised by the said company in relation to any territories, shall become vested in Her Majesty, and be exercised in her name; and for the purposes of this Act India shall mean the territories vested in Her Majesty as aforesaid, and all territories which may become vested in Her Majesty by virtue of any such rights as aforesaid."

The definition referred to appears to be contained in this section.

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regulations as her Majesty in council from time to time approves:

(5.) For obtaining from the Admiralty the services of commissioned, warrant, and other officers and of men of the royal navy for the last-mentioned purposes:

(6.) For enforcing good order and discipline among the men and officers aforesaid while ashore or afloat within the limits of the colony:

(7.) For making the men and officers aforesaid, while ashore or afloat within the limits of the colony or elsewhere, subject to all enactments and regulations for the time being in force for the discipline of the royal navy.

Volunteers to form part of royal naval reserve.

4. Volunteers raised as aforesaid in any colony shall form part of the royal naval reserve, in addition to the volunteers who may be raised under the Act of 1859,(1) but, except as in this Act expressly provided, shall be subject exclusively to the provisions made as aforesaid by the proper legislative authority of the colony.

Power to Admiralty to issue special commissions.

5. It shall be lawful for her Majesty in council from time to time as occasion requires, and on such conditions as seem fit, to authorize the Admiralty to issue to any officer of the royal navy volunteering for the purpose a special commission for service in accordance with the provisions of this Act.

Placing of colonial vessel with men and officers at her Majesty's disposal.

6. It shall be lawful for her Majesty in council from time to time as occasion requires, and on such conditions as seem fit, to authorize the Admiralty to accept any offer for the time being made or to be made by the government of a colony, to place at her Majesty's disposal any vessel of war provided by that government and the men and officers from time to time serving therein; and while any vessel accepted by the Admiralty under such authority is at the disposal of her Majesty, such vessel shall be deemed to all intents a vessel of war of the royal navy, and the men and officers from time to time serving in such vessel shall be deemed to all intents men and officers of the royal navy, and shall accordingly be subject to all enactments and regulations for the time being in force for the discipline of the royal navy.

As to services of volunteers and officers in navy.

7. It shall be lawful for her Majesty in council from time to time as occasion requires, and on such conditions as seem fit, to authorize the Admiralty to accept any offer for the time being made or to be made by the government of a colony, to place at her Majesty's disposal for general service in the royal navy the whole or any part of the body of volunteers with all or any of the officers raised and appointed by that government in accordance with the provisions of this Act; and when any such offer is accepted such of the provisions of the Act of 1859 as relate to men of the royal naval reserve raised in the United Kingdom when in actual service shall extend and apply to the volunteers whose services are so accepted.

(1) 22 & 23 Vict. c. 40., p. 270, *ante*.

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8. The Admiralty may, if they think fit, from time to time by warrant authorize any officer of her Majesty's navy of the rank of captain or of a higher rank to exercise, in the name and on behalf of the Admiralty, in relation to any colony, for such time and subject to such limitations, if any, as the Admiralty think fit, any power exerciseable by the Admiralty under this Act. Delegation of Admiralty powers to naval officer.

9. Nothing done under this Act by order in council, or by the Admiralty, or otherwise, shall impose any charge on the revenues of the United Kingdom without express provision made by Parliament for meeting the same. Not to impose charge on imperial revenues, &c.

10. Nothing in this Act shall take away or abridge any power vested in or exerciseable by the legislature or government of any colony. Not to affect powers vested in colonies.

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28 & 29 Victoria.—A.D. 1865.

CAP. LXXII.

An Act to make better Provision respecting Wills of Seamen and Marines of the Royal Navy and Marines.

[29th June 1865.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Navy and Marines (Wills) Act, 1865.(1) Short title.

2. In this Act— Interpretation of terms.

The term "the Admiralty" means the lord high admiral of the United Kingdom, or the commissioners for executing the office of lord high admiral:

The term "seaman or marine" means a petty officer or seaman, non-commissioned officer of marines or marine, or other person forming part in any capacity of the complement of any of her Majesty's vessels, or otherwise belonging to her Majesty's naval or marine force, exclusive of commissioned, warrant, and subordinate officers, and assistant engineers, and of Kroomen.

3. A will made after the commencement of this Act by any person at any time previously to his entering into service as a seaman or marine shall not be valid to pass any wages, prize money, bounty money, grant, or other allowance in the nature thereof, or other money payable by the Admiralty, or any effects or money in charge of the Admiralty. Will made before entry ineffectual as to wages, &c.

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(1) *See*, as to the disposal of effects of deceased officers and seamen of the royal navy, the Navy and Marines (Property of Deceased) Act, 1865, 28 & 29 Vict. c. 111., p. 388, *post*.

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Will invalid if combined with power of attorney.

4. A will made after the commencement of this Act by any person while serving as a seaman or marine shall not be valid for any purpose if it is written or contained on or in the same paper, parchment, or instrument with a power of attorney.

Regulations for wills of seamen, &c. as to wages, &c.

5. A will made after the commencement of this Act by any person while serving as a seaman or marine, or when he has ceased so to serve, shall not be valid to pass any wages, prize money, bounty money, grant, or other allowance in the nature thereof, or other money payable by the Admiralty, or any effects or money in charge of the Admiralty, unless it is made in conformity with the following provisions:—

(1.) Every such will shall be in writing and be executed with the formalities required by the law of England in the case of persons not being soldiers in actual military service or mariners or seamen at sea:

(2.) Where the will is made on board one of her Majesty's ships, one of the two requisite attesting witnesses shall be a commissioned officer, chaplain, or warrant or subordinate officer belonging to her Majesty's naval or marine or military force:

(3.) Where the will is made elsewhere than on board one of her Majesty's ships, one of the two requisite attesting witnesses shall be such a commissioned officer or chaplain or warrant or subordinate officer as aforesaid, or the governor, agent, physician, surgeon, assistant surgeon, or chaplain of a naval hospital at home or abroad, or a justice of the peace, or the incumbent, curate, or minister of a church or place of worship in the parish where the will is executed, or a British consular officer, or an officer of customs, or a notary public:

A will made in conformity with the foregoing provisions shall, as regards such wages, money, or effects, be deemed to be well made for the purpose of being admitted to probate in England; and the person taking out representation to the testator under such will shall exclusively be deemed the testator's representative with respect to such wages, money, or effects.

As to wills made by prisoners of war.

6. Notwithstanding anything in this or any other Act, a will made after the commencement of this Act by a seaman or marine while he is a prisoner of war shall (as far as regards the form thereof) be valid for all purposes if it is made in conformity with the following provisions:—

(1.) If it is in writing and is signed by him, and his signature thereto is made or acknowledged by him in the presence of and is in his presence attested by one witness, being either a commissioned officer or chaplain belonging to her Majesty's naval or marine or military force, or a

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warrant or subordinate officer of her Majesty's navy, or the agent of a naval hospital, or a notary public:

(2.) If the will is made according to the forms required by the law of the place where it is made:

(3.) If the will is in writing and executed with the formalities required by the law of England in the case of persons not being soldiers in actual military service or mariners or seamen at sea.

Payment under will not in conformity with Act.

7. Notwithstanding anything in this Act in case of a will made after the commencement of this Act by any person while serving as a marine or seaman, and being either in actual military service or a mariner or seaman at sea, the Admiralty may pay or deliver any wages, prize money, bounty money, grant or other allowance in the nature thereof, or other money payable by the Admiralty or any effects or money in charge of the Admiralty, to any person claiming to be entitled thereto under such will, though not made in conformity with the provisions of this Act, if, having regard to the special circumstances of the death of the testator, the Admiralty are of opinion that compliance with the requirements of this Act may be properly dispensed with.

Commencement of Act.

8. This Act shall commence on such day, not later than the first day of January one thousand eight hundred and sixty-six, as her Majesty in council thinks fit to direct; nevertheless her Majesty in council may, if it seems fit, with reference to any places out of the United Kingdom, direct that this Act do not commence there, respectively, until a time after that day, and with respect to every such place the time so appointed shall be deemed the time of commencement of this Act.

Publication of orders in council.

9. Every order in council under this Act shall be published in the London Gazette, and shall be laid before both Houses of Parliament within thirty days after the making thereof, if Parliament is then sitting, and if not, then within thirty days after the next meeting of Parliament.

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28 & 29 Victoria.—A.D. 1865.

CAP. LXXIII.

An Act for regulating the Payment of Naval and Marine Pay and Pensions.(1) [29th June 1865.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Naval and Marine Pay and Pensions Act, 1865.

(1) *See* Naval Pensions Act, 1884 (47 & 48 Vict. c. 44.), ss. 2. and 3., *post*.

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Interpretation of terms.

2. In this Act—

The term "the Admiralty" means the lord high admiral of the United Kingdom, or the commissioners for executing the office of lord high admiral:

The term "officer" means a commissioned, warrant, or subordinate officer, or assistant engineer in her Majesty's naval or marine force:

The term "seaman or marine" means a petty officer or seaman, non-commissioned officer of marines or marine, or other person forming part in any capacity of the complement of any of her Majesty's vessels, or otherwise belonging to her Majesty's naval or marine force (not being an officer within the meaning of this Act).

Payment of naval and marine pay and pensions according to order in council.

3. All pay, wages, pensions, bounty money, grants, or other allowances in the nature thereof payable in respect of services in her Majesty's naval or marine force to a person being or having been an officer, seaman, or marine, or to the widow or any relative of a deceased officer, seaman, or marine, shall be paid in such manner, and subject to such restrictions, conditions, and provisions as are from time to time directed by order in council.

Prohibition of assignment of pensions, &c.

4. Any assignment, sale, or contract made after the commencement of this Act by an officer, seaman, or marine entitled to any naval pension,—or by a person entitled to a pension as the widow of an officer,—or by a person entitled to an allowance from the compassionate fund,—or by a person entitled to any marine half pay,—of or in relation to such pension, allowance, or half pay, shall be void.

Prohibition of assignment of wages, &c.

5. Any assignment, sale, or contract made after the commencement of this Act, of or relating to any pay, wages, bounty money, grants, or other allowances in the nature thereof, payable in respect of services in her Majesty's naval or marine force to a person being or having been a subordinate officer, seaman, or marine, shall be void.

Exemption from stamp duty.

6. All bills, orders, receipts, and other instruments drawn, given, or made under the authority or in pursuance of an order in council under this Act by, to, or upon any person in the service of her Majesty or of the Admiralty shall be exempt from stamp duty.

Proof to be given by masters claiming pay of apprentices.

7. If the wages of a seaman or marine are claimed under an indenture of apprenticeship by a master, they shall be paid to the seaman or marine, and not to the master, unless the master produces the indenture, with satisfactory proof that it was in full force during the period for which he claims the wages, and that the apprentice was at the time of the execution of the indenture under the age of eighteen years, and had not previously been at sea.

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8. Nothing in this Act shall apply to any money distributable under the Naval Agency and Distribution Act, 1864.(1) Saving for Naval Agency Act.

9. Nothing in this Act shall authorize the making by order in council of any rule inconsistent with any provision affecting naval or marine pay or pensions contained in the Naval Discipline Act, 1864,(2) or any Act for the like purposes for the time being in force. Saving for Naval Discipline Act.

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11. Her Majesty in council may from time to time make such orders in council as seem meet for the better execution of any of the purposes of this Act. Orders in council.

12. Every order in council under this Act shall be published in the London Gazette, and shall be laid before both Houses of Parliament within thirty days after the making thereof if Parliament is then sitting, and if not then within thirty days after the next meeting of Parliament. Orders in council to be published in London Gazette.

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28 & 29 Victoria.—A.D. 1865.

CAP. LXXXIX.

An Act to provide for the better Government of Greenwich Hospital, and the more beneficial Application of the Revenues thereof.(3) [5th July 1865.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as the Greenwich Hospital Act, 1865.(4) Short title.

2. This Act shall commence from and immediately after the thirtieth day of September one thousand eight hundred and sixty-five. Commencement of Act.

3. In this Act— Interpretation of terms.

The term "the Admiralty" means the lord high admiral of the United Kingdom or the commissioners for executing the office of lord high admiral:

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(1) *See* 27 & 28 Vict. c. 24., p. 340, *ante*.

(2) This Act is now repealed; the Act for the time being in force is the Naval Discipline Act, 29 & 30 Vict. c. 109., p. 405, *post*.

(3) *See* Naval Pensions Act, 1884, 47 & 48 Vict. c. 44. s. 3., *post*.

(4) *See*, for the Greenwich Hospital Acts, Greenwich Hospital Act, 1869, 32 & 33 Vict. c. 44., *post*; Greenwich Hospital Act, 1872, 35 & 36 Vict. c. 67., *post*; Greenwich Hospital Act, 1883, 46 & 47 Vict. c. 32., *post*, and Greenwich Hospital Act, 1885, 48 & 49 Vict. c. 42., *post*; which are to be read together with this Act.

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The term "lands" includes any estate, term, easement, right, or interest in, to, over, or affecting lands.

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Pensions, Gratuities, and Allowances.

Power to order new pensions, &c.

5. It shall be lawful for her Majesty in council from time to time, by order in council, to appoint such pensions as seem fit to officers, non-commissioned officers, and men of the royal navy and marines, and seamen of the merchant service for the time being entitled to the benefits of Greenwich Hospital, to be enjoyed by them so long only as they are not on the establishment or inmates of Greenwich Hospital, but in addition to any half pay, pension, or other allowance coming to them otherwise than under any such order in council,—and to prescribe the conditions on which such pensions are to be held,—and to appoint such gratuities as seem fit to widows of non-commissioned officers and men of the royal navy and marines killed or drowned in the service of the Crown.

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Name of pensions, &c.

7. Pensions and gratuities under any such order in council and such allowances shall be distinguished as Greenwich Hospital pensions, gratuities, and allowances (as the case may be); and the pensions now known as Greenwich out pensions shall be called naval pensions.

Assignments, &c. void.

8. Any assignment, sale, or contract of or relating to any Greenwich Hospital pension, gratuity, or allowance, other than such as may be made or entered into under the authority of and in conformity with any order in council under this Act, shall be void.

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Alteration of Establishment.

Abolition of commissioners, &c.

10. On the commencement of this Act the several offices of the commissioners and of the governor and of the lieutenant governor of Greenwich Hospital shall be abolished.

Power to remove other officers, &c.

11. On the commencement of this Act, or at any time and from time to time thereafter, if and when for the better execution of the purposes of this Act it seems expedient, the Admiralty may remove from office all or any officers, military or civil, on the establishment of Greenwich Hospital, and may remove from employment all or any clerks or persons employed in connexion with the hospital.

Annuities to be provided for commissioners, &c.

12. Out of the funded property of Greenwich Hospital there shall be purchased(1) from the commissioners for the reduction of the national debt and provided (subject and according to the provisions of the Acts relating to the purchase of annuities from

(1) 32 & 33 Vict. c. 44. s. 15., *post*, empowers the Admiralty to grant pensions instead of purchasing annuities.

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the commissioners for the reduction of the national debt) for each of the persons holding office at the commencement of this Act as the commissioners of Greenwich Hospital (other than the ex officio commissioners), and for the governor and the lieutenant governor of the hospital, and for each officer, military or civil, on the establishment of the hospital, remunerated by salary, who is removed from office by the Admiralty under the provisions of this Act, an annuity for his life equal in amount to the value of the salary and emoluments attached to the office of commissioner, governor, or lieutenant governor (as the case may be), or to the office from which each such officer is so removed.

Continuance of superannuation allowance.

13. Provided, that if any commissioner, or any officer who is removed from office as aforesaid, is at the commencement of this Act entitled to receive, in addition to the salary of his office, any superannuation allowance in respect of any former employment in the civil service of the Crown, he shall be entitled to continue to receive, in addition to such annuity as aforesaid, the amount of superannuation allowance which he is at the commencement of this Act so entitled to receive, and no more.

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Appointment of visitor and governor.

15. * * * * * * * the Admiralty may appoint an officer of the royal navy of rank not lower than that of vice admiral to be visitor and governor of Greenwich Hospital during good behaviour, and from time to time on any vacancy in the said office may appoint a successor with the like qualification, and may (subject to the approval of her Majesty in council) fix the salary of such officer, and may from time to time assign to him as visitor such duties as seem fit, but so that he be not authorized to interfere with the ordinary government of the hospital or of the schools thereof.

Annuities to be provided for clerks, &c. if removed.

16. Out of the funded property of Greenwich Hospital there shall be purchased as aforesaid and provided for each clerk or other person employed in a subordinate civil capacity in connexion with Greenwich Hospital, and remunerated wholly or in part by salary, who is removed from employment by the Admiralty under the provisions of this Act, an annuity not less in amount than the superannuation allowance to which a person subject to the Superannuation Act, 1859, would under like circumstances be entitled on abolition of his office.

Annuity to be held with half pay, &c.

17. Every annuity provided as aforesaid shall be held and enjoyed by the person for whom it is provided without prejudice to his right (if any) to the continued receipt of any naval or military pension or half pay which he received while holding the office of commissioner, governor, or lieutenant governor, or while holding such other office or employment as aforesaid, subject, however, to the subsequent provisions of this Act.

Power to require clerks for whom annuities

18. The Admiralty may at any time require any clerk or other person employed in a subordinate civil capacity in connexion

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have been provided to serve in any suitable capacity.

with Greenwich Hospital, for whom an annuity is provided as aforesaid, to serve in England under the Admiralty in any suitable civil capacity, regard being had to the former position of such person in connexion with the hospital, and at a salary not less than the amount of the emoluments of his employment in connexion with the hospital; and if any such clerk or other person being required fails so to serve, the Admiralty may direct that the annuity so provided for him cease to be paid to him, and the same shall so cease, and shall revert to and be deemed part of the income of Greenwich Hospital.

Provision as to annuities on appointment to offices.

19. Where any commissioner, officer, clerk, or person, while in receipt of an annuity provided as aforesaid, is appointed to any office under the Crown or under the Admiralty, then, if the annuity is equal to or greater than the annual emoluments of the office to which he is appointed, the annuity shall be received by him in full discharge of those emoluments, and if the annuity is less than those emoluments, the amount of the annuity shall be received by him in discharge of an equal amount of those emoluments.

Hospital and Schools.

As to government of the hospital, &c.

20. The government of Greenwich Hospital and of the schools of the hospital, including the authority to establish from time to time regulations for the admission of inmates into the hospital and of children into the schools, shall be vested exclusively in the Admiralty, but any such regulations shall not have effect unless and until they are approved by her Majesty in council; and the Admiralty shall from time to time continue or appoint such officers, clerks, and servants for the purposes of the hospital and schools as seem fit, and may (subject to the approval of her Majesty in council) fix the salaries(1) of such officers and clerks, and may regulate the wages of such servants, and may from time to time remove any of the officers, clerks, and servants, and appoint others in their stead.

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Property.

As to transfer of real property.

22. All lands which at the commencement of this Act are by virtue of any Act of Parliament or letters patent, or otherwise, settled on or vested in(2) or held by or in trust for the commissioners of Greenwich Hospital, shall thenceforth, by virtue of this Act, remain and be settled on and vested in the Admiralty for the time being for such estate or interest as at the commencement of this Act the commissioners of Greenwich Hospital have therein.

Lands to be held for benefit of hospital

23. All lands vested in the Admiralty by virtue of this Act shall go to and be held by the lord high admiral for the time

(1) The provisions of this section as far as they relate to salaries are extended to pensions and pecuniary benefits of any kind by 35 & 36 Vict. c. 67. s. 8., *post*.

(2) *See* 32 & 33 Vict. c. 44. s. 13., *post*.

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being or the commissioners for the time being for executing the office of lord high admiral, in succession, in trust for her Majesty, her heirs and successors, for the exclusive benefit of Greenwich Hospital; and, subject thereto and to the other provisions of this Act, the same shall be held in the same manner, and with, under, and according to the same powers, restrictions, and provisions, as lands vested in the Admiralty under the Admiralty Lands and Works Act, 1864.(1) and subject to this Act and 27 & 28 Vict. c. 57.

24. Lands vested in the Admiralty by virtue of this Act shall continue subject to any quitrents, crown rents, and duchy rents to which the same are respectively liable, as if this Act had not been passed. Quitrents, &c. for lands.

25. On the death of every successive Queen or King of this realm, and at all other customary times, all such acts and services shall be done and performed, and all such fines and sums of money shall be paid, by the tenants of the lands vested in the Admiralty by virtue of this Act, as by ancient tenure, or by any contract, law, or custom, or otherwise, have been or ought to be done, performed, and paid by them, and as if this Act had not been passed; and on their default the same forfeitures and penalties shall accrue as would have accrued if the said lands were vested in her Majesty, her heirs and successors, individually and not in a political capacity, and as if this Act had not been passed. Services of tenants.

26. Every lease made before the commencement of this Act of lands of Greenwich Hospital shall be as valid and binding in favour of and against the Admiralty as if the Admiralty had been therein named as the lessors. Protection of existing leases.

* * * * * * *

29. The power of the Admiralty to make leases of any of the lands vested in them by virtue of this Act shall be exercised subject and according to the following restrictions and provisions: Restrictions on leasing.

First, the term of an agricultural lease shall not exceed twenty-one years, of a building lease ninety-nine years, and of a mining lease forty-two years:

Secondly, every lease shall take effect in possession and not in reversion, and there shall be reserved thereby the best yearly rent, to be incident to the immediate reversion, that can reasonably be gotten; and a fine or anything in the nature thereof shall not be taken:

Thirdly, there shall be contained in every lease a condition of re-entry for non-payment of rent:

Fourthly, the lessee shall execute a counterpart of every lease, and shall thereby covenant for payment of the rent thereby reserved:

(1) *See* 27 & 28 Vict. c. 57. ss. 9–11., p. 361, *ante*.

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Fifthly, in the case of an agricultural or building lease, the lessee shall not be made dispunishable for waste:

Sixthly, in the case of a building lease a rent smaller than the rent ultimately payable may be reserved for all or any part of the first five years of the term:

Seventhly, in the case of a mining lease, rent may be reserved by way of toll, duty, royalty, or reservation, by the acre, the ton, or otherwise.

Power to make free grants of land for places of worship, &c.

30. The Admiralty, with the approval of her Majesty in council, may from time to time make free grants of land part of the lands vested in them by virtue of this Act, and grants of money, for the erection of buildings and providing conveniences for places of worship, residence of ministers, education of children, or other public purposes (so that any such grant of land do not include any right to the minerals under the land granted, or comprise more than two acres in any one parish).

As to purchase money of land sold.

31. Any purchase money paid to her Majesty's paymaster general in respect of any part of the lands vested in the Admiralty by virtue of this Act no longer required to be held by the Admiralty for the benefit of the hospital, and accordingly sold by them under the powers of the Admiralty Lands and Works Act, 1864, as applied by this Act, shall be carried by him to an account to be called The Greenwich Hospital Capital Account.

Transfer of stock.

32. On or as soon as may be after the commencement of this Act the governor and company of the Bank of England shall, on requisition in writing from the Admiralty, cause all bank annuities then standing in the books of the governor and company of the Bank of England in the names of the commissioners of Greenwich Hospital to be transferred to an account to be called The Account of the Lord High Admiral or Commissioners of the Admiralty for the time being ex parte Greenwich Hospital, and the same shall belong to the Admiralty on behalf of her Majesty for the exclusive benefit of Greenwich Hospital.

Payment of dividends.

33. The governor and company of the Bank of England shall from time to time, under the direction of the Admiralty, place to the cash account of her Majesty's paymaster general the dividends for the time being accrued due in respect of the bank annuities held by the Admiralty for the benefit of Greenwich Hospital (* * * *) and the same shall be carried to the Greenwich Hospital income account.

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Transfer of other personal property.

35. All personal property not in the foregoing provisions specified belonging to the commissioners of Greenwich Hospital is hereby vested in her Majesty and her successors, for the exclusive benefit of Greenwich Hospital.

Payment of other income.

36. All income not in the foregoing provisions specified arising from property held for the benefit of Greenwich Hospital, or

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otherwise accruing to the hospital, shall be paid into the Bank of England to the cash account of her Majesty's paymaster general, who shall carry the same to the Greenwich Hospital income account.

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Conversion of stock, &c.

38. The Admiralty may from time to time, with a view to the execution of any of the purposes of this Act, or to a change of investment, convert into money any bank annuities, stocks, funds, or securities for the time being held by them for the benefit of Greenwich Hospital, and all such money shall be paid into the Bank of England to the cash account of her Majesty's paymaster general, who shall carry the same to the Greenwich Hospital capital account.

Transfers between capital and income accounts.

39. Her Majesty's paymaster general shall from time to time, under the direction of the Admiralty, carry over such sums as circumstances require from the Greenwich Hospital income account to the Greenwich Hospital capital account, and vice versâ.

Change of investment and purchase of lands.

40. The Admiralty may from time to time lay out or invest any cash standing to the Greenwich Hospital capital account in the purchase of any bank annuities, or in or on any stocks, funds, or securities the principal or interest whereof is charged on or payable, by way of guarantee or otherwise, out of the revenues of the United Kingdom or of India, or on mortgage of freehold lands in the United Kingdom, or, with the approval in each instance of the commissioners of her Majesty's Treasury, in or on any other stocks, funds, or securities, or, with the like approval, in the purchase of lands.

27 & 28 Vict. c. 57. to apply to this Act.

41. The provisions of the Admiralty Lands and Works Act, 1864,(1) shall apply to and for the purposes of every such purchase of land.

Vesting of lands purchased.

42. Lands so purchased shall be assured to the Admiralty, and the same shall go and be held in the same manner, and with, under, and according to the same powers, restrictions, and provisions, as the lands vested in the Admiralty by virtue of this Act.

Devises, &c. for hospital.

43. Any person may, notwithstanding any statute passed or to be passed restraining alienation in mortmain or dispositions for charitable uses, by deed or testamentary writing, grant, give, or appoint any property for any estate or interest for which he is empowered to dispose thereof, to be held for the benefit of Greenwich Hospital; and the same (according to the nature and quality of such property) shall accordingly be held as the lands vested in the Admiralty by virtue of this Act are held, or as personal property by this Act vested in her Majesty and her successors, for the benefit of Greenwich Hospital, is held.

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(1) *See* 27 & 28 Vict. c. 57. ss. 3–8., p. 359, *ante*.

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Sale of advowsons to be arranged similar to those contained in 26 & 27 Vict. c. 120.

44. The Admiralty shall sell and convey the advowsons of and rights of presentation(1) to the benefices and perpetual curacies belonging to Greenwich Hospital, discharged from the provisions of any Act of Parliament relative thereto other than this Act, and subject and according to the provisions of a scheme to be prepared by the Admiralty with the advice and assistance of the ecclesiastical commissioners for England, and to be approved by her Majesty in council, the arrangements made by such scheme to be as nearly as circumstances admit similar to the arrangements contained in the Lord Chancellor's Augmentation Act (1863), subject to the following provisions:

(1.) One moiety of the purchase money received on any such sale shall be applied to the creation and maintenance of a fund for the benefit of retired naval chaplains, the mode of creation and maintenance of the fund and the application thereof to be from time to time determined by order in council:

(2.) The other moiety of the purchase money shall be applied to the augmentation of the income of any of the said benefices and perpetual curacies in manner prescribed by any such scheme:

The draft of any such scheme shall be laid before both houses of Parliament one month at least before the scheme is submitted for the approval of her Majesty in council.

Marked stores to be deemed naval stores as in 27 & 28 Vict. c. 91.

45. The following mark may be applied in or on stores used or intended to be used for the purposes of Greenwich Hospital, to denote her Majesty's property in stores so marked, namely,—an anchor, surmounted with a naval crown, with two flags over the crown, and the letter G on one side, and the letter H on the other side; and stores used or intended to be used as aforesaid shall be deemed naval stores within the meaning of the Naval and Victualling Stores Act, 1864,(2) and that Act shall apply thereto as if the mark in the present section described were described in the schedule to that Act; and that Act shall apply to all stores so marked before the commencement of this Act becoming by virtue of this Act the property of her Majesty.

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Accounts, &c.

Audit of accounts of property.

47. The accountant general(3) of the navy shall annually prepare and submit to the commissioners for auditing the public accounts accounts of the receipt and expenditure of the capital and of the income derived from the lands and property held for

(1) *See* 1 Geo. 4. c. 106. and 10 Geo. 4. c. 25. ss. 35., 36.

(2) This section is to be read and have effect as if the Public Stores Act, 1875, were referred to instead of the Naval and Victualling Stores Act, 1864. *See* 38 & 39 Vict. c. 25. s. 17., *post*.

(3) His duties under this section may be performed by such officer as the Admiralty may from time to time direct. *See* 48 & 49 Vict. c. 42. s. 4., *post*.

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the benefit of Greenwich Hospital; and the commissioners for auditing the public accounts shall audit the same as nearly as may be in like manner as they audit the accounts rendered by the commissioners of her Majesty's woods, forests, and land revenues; and in relation to such audit the Admiralty(1) and the commissioners for auditing the public accounts shall respectively have the like powers, as nearly as may be, as the commissioners of her Majesty's Treasury and the commissioners for auditing the public accounts respectively have in relation to the audit of the accounts rendered by the commissioners of her Majesty's woods, forests, and land revenues.

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49. The Admiralty shall lay all the several accounts so audited, with the report thereon of the commissioners for auditing the public accounts, before both Houses of Parliament within fourteen days after the completion of the audit for each year, if Parliament is then sitting, and if not, then within fourteen days after the next meeting of Parliament. Accounts to be laid before Parliament.

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Miscellaneous.

52. The Admiralty may institute or defend any action or suit(2) relative to any lands contracted to be purchased or taken by the Admiralty for the benefit of Greenwich Hospital, and may institute any action of ejectment or other action or any suit for recovering possession of any lands vested in or purchased or taken by the Admiralty for the benefit of Greenwich Hospital, and may distrain or sue for any arrears of rent due to the Admiralty in respect thereof, and may institute any action or suit in respect of any trespass or encroachment committed thereon or damage done thereto, or any other action or suit in respect thereof, and may defend any action or suit in respect thereof; and in every such action or suit the Admiralty may be styled "The Lord High Admiral of the United Kingdom," or "The Commissioners for executing the Office of Lord High "Admiral of the United Kingdom," (as the case requires,) without more; and any such action or suit shall not be affected by any change in the Admiralty; and in any such action or suit the Admiralty shall be liable and entitled to pay or receive costs according to the ordinary law and practice relative to costs. Actions by Admiralty.

53. Nothing in this Act shall take away or abridge in any action or suit the legal rights, privileges, and prerogatives of her Majesty, her heirs and successors, but in all actions and suits Saving rights of Crown.

(1) The powers of the Admiralty with respect to audit are saved by the Exchequer and Audit Department Act, 1866 (29 & 30 Vict. c. 39.), s. 46., p. 400, *post*.

(2) *See*, as to powers of Admiralty to institute actions, &c. with reference to property under their management or control, Admiralty Suits Act, 1868 (31 & 32 Vict. c. 78.), ss. 3., 4., p. 463, *post*; and as to style of Admiralty in suing, 28 & 29 Vict. c. 124., s. 2., p. 392, *post*.

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instituted by or against the Admiralty in relation to lands held for the benefit of Greenwich Hospital, and in all proceedings and matters connected therewith, the Admiralty may exercise and enjoy all such rights, privileges, and prerogatives as are for the time being exercised and enjoyed in any action or suit in any court of law or equity by her Majesty, her heirs or successors, as if the Crown were actually a party to such action or suit.

Power to sue by information, &c.

54. Notwithstanding anything in this Act, it shall be lawful for her Majesty, her heirs and successors, to proceed by information in the Court of Exchequer, or by any other crown process, legal or equitable, in any case in which it would have been competent for her Majesty, her heirs or successors, so to proceed if no provisions respecting procedure had been inserted in this Act.

Transfer of contracts, &c.

55. All debts and obligations incurred, all contracts entered into, and all matters and things engaged to be done by, with, or for the commissioners of Greenwich Hospital shall be deemed to have been incurred, entered into, or engaged to be done by, with, or for the Admiralty on behalf of her Majesty; and all such debts, obligations, contracts, matters, and things shall be enforceable by or against the Admiralty on behalf of her Majesty to the same extent as the same would, if this Act had not passed, have been enforceable by or against the commissioners of Greenwich Hospital.

Continuance of actions, &c.

56. All actions, suits, and other legal proceedings commenced, or which, if this Act had not been passed, might have been commenced, by or against the commissioners of Greenwich Hospital, may be continued or instituted by or against the Admiralty on behalf of her Majesty.

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Style of Admiralty in deeds, &c.

58. In all deeds, powers of attorney, and instruments relating to any lands, stocks, funds, securities, property, or thing vested in, or standing in the names of, or under the control of the Admiralty for the benefit of Greenwich Hospital, or whereto the Admiralty in relation to Greenwich Hospital are parties, the Admiralty may be styled "The Lord High Admiral of the United "Kingdom" or "The Commissioners for executing the Office of "Lord High Admiral of the United Kingdom," (as the case may require,) without the name or names of him or them or any of them being expressed.

Protection of Admiralty.

59. The Admiralty shall not, by reason of anything done or omitted to be done in the execution or intended execution of this Act, or in relation to any lands vested in the Admiralty by virtue of this Act or purchased by the Admiralty under this Act, be liable collectively or individually to any fine, penalty, or forfeiture, or to execution of any process against person or property.

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60. Every order in council under this Act shall be published in the London Gazette, and shall be laid before both Houses of Parliament within one month after the making thereof if Parliament is then sitting, and if not, then within one month after the next meeting of Parliament. Publication, &c. of orders in council.

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28 & 29 Victoria.—A.D. 1865.

Cap. C.

An Act to transfer from the Admiralty to the Board of Trade Powers and Duties relative to certain Harbours.(1) [5th July 1865.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. It shall be lawful for her Majesty in council, from time to time by order in council, on the joint recommendation of the commissioners of the Admiralty and the Board of Trade, to transfer, as from such time as seems fit, from the commissioners of the Admiralty to the Board of Trade, all or any of the harbours specified in the schedule to this Act, with the breakwaters, piers, jetties, quays, wharves, lighthouses, roads, approaches, works, buildings, and things belonging thereto, and the ground and soil thereof, and the lands and hereditaments acquired for the purposes thereof, and all powers and duties in relation thereto, as far as at the time of the transfer taking effect the harbours, property, powers, and duties aforesaid are vested in or imposed on the commissioners of the Admiralty, but subject in any case to such conditions and restrictions (if any) as to her Majesty in council seem fit. Power to her Majesty, by orders in council, to transfer from Admiralty to Board of Trade harbours named in schedule to this Act.

2. All harbours and property transferred under this Act to the Board of Trade shall be vested in them in trust for her Majesty, her heirs and successors, for the public service. Board of Trade to hold harbours, &c. for public service.

3. Every order in council under this Act shall be published in the London Gazette; and a copy of the London Gazette containing any such order shall be conclusive evidence of the making and publication of such order, and every such order shall be judicially noticed without being specially pleaded. Publication, &c. of orders in council.

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(1) *See* Harbours Transfer Act, 1862, 25 & 26 Vict. c. 69., p. 323, *ante*; but *see*, as to Alderney Harbour, the Alderney Harbour (Transfer) Act, 1874, 37 & 38 Vict. c. 92., *post*.

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Orders to be laid before Parliament.

4. Every order in council under this Act shall be laid before both Houses of Parliament within thirty days after the making thereof if Parliament is then sitting, and if not then within thirty days after the next meeting of Parliament.

Short title.

5. This Act may be cited as the Harbours Transfer Act, 1865.

SCHEDULE.

Harbours to be transferred.

PORTLAND.	ST. CATHERINE'S, JERSEY.
DOVER (the outer harbour).	ALDERNEY.(1)

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28 & 29 Victoria.—A.D. 1865.

CAP. CXI.

An Act to regulate the Disposal of Money and Effects under the Control of the Admiralty, belonging to deceased Officers, Seamen, and Marines of the Royal Navy and Marines, and other Persons.(2)

[5th July 1865.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Navy and Marines (Property of Deceased) Act, 1865.

Interpretation of terms.

2. In this Act—

The term "the Admiralty" means the lord high admiral of the United Kingdom, or the commissioners for executing the office of lord high admiral:

The term "officer" means a commissioned, warrant, or subordinate officer, or assistant engineer, in her Majesty's naval or marine force:

The term "seaman or marine" means a petty officer or seaman, non-commissioned officer of marines or marine, or other person forming part, in any capacity, of the complement of any of her Majesty's vessels, or otherwise belonging to her

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(1) But *see*, as to this harbour, the Alderney Harbour (Transfer) Act, 1874, 37 & 38 Vict. c. 92., *post*.

(2) *See*, as to wills of seamen and marines, the Navy and Marines (Wills) Act, 1865, 28 & 29 Vict. c. 72., p. 373, *ante*.

See, as to naval pensions, the Naval Pensions Act, 1884 (47 & 48 Vict. c. 44.), s. 2., *post*.

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Majesty's naval or marine force (not being an officer within the meaning of this Act), or a petty officer or man of the royal naval reserve or naval coast volunteers:

The term "representation" includes probate and letters of administration, with or without will annexed:

The term "representative" means any person taking out representation:

The term "person" includes a corporation.

Residue belonging to deceased officers, seamen, or marines.

8. On the death of any person being or having been an officer, seaman, or marine, the amount (if any) to the credit of the deceased in the books of the Admiralty, in respect of sale of effects, arrears of pay, wages, prize money, bounty money, grants, or other allowances in the nature thereof, or other money payable by the Admiralty (which amount is hereafter in this Act, with reference to every such case, called the residue), shall be disposed of according to the provisions of this Act.

Residue belonging to deceased persons in civil service of navy.

4. On the death of any person being or having been employed in any of her Majesty's dockyards or other naval establishment, or in any of the civil departments of the navy, or entitled to an allowance from the compassionate fund, or of any widow entitled to a pension on the establishment of the navy, the amount (if any) due by the Admiralty (which amount is hereafter in this Act, with reference to every such case, called the residue), shall be disposed of according to the provisions of this Act.

Residue exceeding 100*l.* to be paid to representative.

5. Where the residue exceeds one hundred pounds the Admiralty shall dispose thereof by paying it to the representative of the deceased.

Residue not exceeding 100*l.* to be paid to representative, if any.

6. Where the residue does not exceed one hundred pounds it shall not be necessary for any purpose that representation to the deceased be taken out; but in any case the Admiralty may, if they think fit, require representation to be taken out, and, if on that requisition or otherwise, representation is taken out, then the Admiralty shall dispose of the residue by paying it to the representative.

Power to require certificate, &c. before representation.

7. In the case, nevertheless, of a seaman or marine, the Admiralty shall not be bound to pay the residue (whatever be its amount) to the representative of the deceased, if representation has been taken out either by a creditor as such, or by any person without such certificate respecting the title to representation having been first obtained from the Admiralty, or such other regulations or conditions having been duly observed or performed, as is or are prescribed by order in council; and in any such case the Admiralty shall dispose of the residue in pursuance of this Act as if representation had not been taken out.

Residue not exceeding 100*l.*, and no

8. Where the residue does not exceed one hundred pounds, and representation is not taken out, then, subject to the other

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representation, power to pay it to widow, &c.

provisions of this Act, the Admiralty shall, as soon as may be, dispose of the residue as follows:

(1.) They shall, if they think fit, pay the residue to any person showing herself or himself to their satisfaction to be entitled to take out representation to the deceased (otherwise than as a creditor)—to the end that the residue may be applied by the person to whom it is so paid in a due course of administration; and the same shall be so applied accordingly (for which application the Admiralty may require such security as they think fit):

(2.) Or else the Admiralty shall, if they think fit, pay to the persons (if any) beneficially interested in the residue their respective shares thereof:

(3.) And in cases where the foregoing provisions of the present section do not apply, and the amount of the residue appears to the Admiralty insufficient to cover the expense of representation, the Admiralty shall dispose of the residue in manner prescribed by order in council.

Admiralty not bound to pay to nominee of representative.

9. In the case of a seaman or marine, the Admiralty shall not pay the residue or any part thereof to any nominee of the representative of the deceased or of a person entitled to take out representation to the deceased, whether such nominee be appointed by power of attorney or otherwise, unless in special circumstances it appears to the Admiralty safe and proper to make such payment to any such nominee.

Admiralty not to dispose of residue for three months, &c.

10. Notwithstanding anything in this Act, the Admiralty shall not in any case dispose of the residue or any part thereof otherwise than by paying the same to the representative of the deceased, until after the expiration of three months from the receipt by the Admiralty of notice of the death, unless in special circumstances it appears to the Admiralty safe and proper to dispose of the residue or any part thereof at an earlier time.

Provision for payment of debts out of residue.

11. In the case of a seaman or marine, where representation is not taken out, the Admiralty shall before disposing of the residue or any part thereof satisfy out of the residue (as far as the same will extend) any debt of the deceased of which they have notice, subject to the following conditions:

First.—That the debt accrued due within three years before the death:

Second.—That payment of it is claimed within two years after the death:

Third.—That the claimant proves the debt to the satisfaction of the Admiralty:

Fourth.—That six months have elapsed from the receipt by the Admiralty of notice of the death, and no person has shown herself or himself to the satisfaction of the Admiralty to be entitled to take out representation to the deceased.

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In any such case, any person claiming to be a creditor of the deceased shall not be entitled to obtain payment of his debt out of any money being under this Act in the hands of the Admiralty by any means or proceeding whatever except by means of a claim lodged with the Admiralty and proceedings thereon under and according to this Act.

Saving for existing claims.

12. Nothing in this Act shall prejudicially affect the claim of any creditor in respect of a debt incurred before the commencement of this Act.

Provision as to unsold effects, &c.

13. The provisions of this Act relative to the residue, in the case of a deceased officer, seaman, or marine, shall extend and apply, mutatis mutandis, to unsold effects and money (if any) in charge of the Admiralty.

Disposal of medals and decorations.

14. Medals and decorations belonging to an officer, seaman, or marine dying on service shall not be considered as comprised in the personal estate of the deceased with reference to the claims of creditors, or for any of the purposes of administration under this Act or otherwise; and, notwithstanding anything in this or any other Act, the same shall be held and disposed of according to regulations prescribed by order in council.

Exemptions from duty.

15. Where the residue does not exceed one hundred pounds and is administered and disposed of under this Act without representation being taken out, it shall not be liable to the payment of any duty; and if in any case the Admiralty under this Act require security by bond for the application of a residue in due course of administration, the bond shall be exempt from stamp duty where an ordinary administration bond relative to the same residue would be so exempt; but this provision shall not affect any exemption from duty existing independently hereof.

Validity of payments, sales, &c. under this Act.

16. Every payment or application of money, and every sale or other disposition of property, made by the Admiralty in pursuance of this Act, or of any order in council for carrying this Act into effect, shall be good and valid as against all persons whomsoever; and the Admiralty shall be by virtue of this Act absolutely discharged from all liability in respect of the money or other property so paid, applied, or disposed of.

Her Majesty may make orders in council.

17. Her Majesty in council may from time to time make such orders in council as seem meet for the better execution of any of the purposes of this Act.

Orders in council to be published in the London Gazette.

18. Every order in council under this Act shall be published in the London Gazette, and shall be laid before both Houses of Parliament within thirty days after the making thereof if Parliament is then sitting, and if not then within thirty days after the next meeting of Parliament.

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28 & 29 Victoria.—A.D. 1865.

Cap. CXXIV.

An Act for consolidating certain Enactments relating to the Admiralty. [6th July 1865.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Provisions of 27 & 28 Vict. c. 57. to apply to this Act.

1. The provisions of the Admiralty Lands and Works Act, 1864,(1) respecting the user of lands, and respecting powers of management and leasing, and other rights and powers relative to lands, and respecting recovery of possession and sale of lands, and respecting actions and suits by and against the Admiralty relative to lands, shall apply in relation to all lands for the time being vested in or purchased by the commissioners of the Admiralty.

Style of commissioners of Admiralty in suits.

2. Except as otherwise expressly provided, the commissioners of the Admiralty for the time being may be styled, in any action,(2) suit, or other proceeding at law or in equity, "The "Commissioners for executing the Office of Lord High Admiral "of the United Kingdom," without more; and any action, suit, or proceeding shall not be affected by any change among the commissioners of the Admiralty; and in any action, suit, or proceeding the commissioners of the Admiralty shall be liable and entitled to pay or receive costs according to the ordinary law and practice relative to costs.

As to costs.

Prerogatives of the Crown in suits preserved, &c.

3. Nothing in this Act, or in the Admiralty Lands and Works Act, 1864,(1) shall take away or abridge in any action or suit the legal rights, privileges, and prerogatives of her Majesty, her heirs and successors, but in all actions and suits instituted by or against the commissioners of the Admiralty, and in all proceedings and matters connected therewith, the commissioners of the Admiralty may exercise and enjoy all such rights, privileges, and prerogatives as are for the time being exercised and enjoyed in any action or suit in any court of law or equity by her Majesty, her heirs or successors, as if the Crown were actually a party to such action or suit.

Saving for proceeding by information, &c.

4. Notwithstanding anything in this Act, or in the Admiralty Lands and Works Act, 1864,(1) it shall be lawful for her Majesty, her heirs and successors, to proceed by information in the Court of Exchequer, or by any other crown process, legal or equitable, in any case in which it would have been competent for her

(1) *See* 27 & 28 Vict. c. 57., p. 358, *ante*.

(2) Compare the Admiralty Suits Act, 1868 (31 & 32 Vict. c. 78.), s. 3., p. 463, *post*. *See*, as to the commissioners' style in deeds, conveyances, &c., 2 & 3 Will. 4. c. 40. s. 7., p. 75, *ante*.

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Majesty, her heirs or successors, so to proceed if no provisions respecting procedure has been inserted in this Act, or in the Admiralty Lands and Works Act, 1864.(1)

Superintendents of dockyards to be justices for certain purposes.

5. The superintendents of her Majesty's dockyards shall be in all places justices of the peace in respect of all offences specified in this Act, and of all matters relating to her Majesty's naval service, and the stores, provisions, and accounts thereof.

Punishment for uttering false petitions, certificate, &c.

6. If any person, in order to sustain any claim to any pay, wages, allotment, prize money, bounty money, grant, or other allowance in the nature thereof, half pay, pension, or allowance from the compassionate fund of the navy, or other money payable by the Admiralty, or to any effects or money in charge of the Admiralty,—or in order to procure any person to be admitted a pensioner as the widow of an officer of the navy,—does any of the following things, namely,—offers or utters to any person in the service of the Crown or of the Admiralty any false affidavit, knowing the same to be false, or makes or subscribes or offers or utters as aforesaid any false written petition, application, statement, answer, certificate, or voucher, or other false writing, knowing the same to be false,—every such person shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding five years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, or on summary conviction before a justice, sheriff, or magistrate shall be liable to be imprisoned for any term not exceeding six months, with or without hard labour.(2)

Parts of 24 & 25 Vict. c. 98. incorporated.

7. The following sections of the Act of the session of the twenty-fourth and twenty-fifth years of her Majesty's reign (chapter ninety-eight), "to consolidate and amend the statute "law of England and Ireland relating to indictable offences by "forgery,"(3) shall be incorporated with this Act, and shall be read as if they were here re-enacted, namely,—sections forty to forty-two and fifty to fifty-three (all inclusive); and for this purpose the expression "this Act" used in the said incorporated sections shall be construed to include the present Act, and expressions therein used relating to forgery or forged writings shall be construed to apply to any Act being a misdemeanor under the last foregoing provision of this Act, and to writings made, subscribed, offered, or uttered in contravention of that provision.

Punishment for personation of seamen, &c.

8. If any person in order to receive any pay, wages, allotment, prize money, bounty money, grant, or other allowance in the nature thereof, half pay, pension, or allowance from the compassionate fund of the navy, payable or supposed to be payable by the Admiralty, or any other money so payable or supposed

(1) 27 & 28 Vict. c. 57., p. 358, *ante*.

(2) *See*, as to naval pensions, the Naval Pensions Act, 1884 (47 & 48 Vict. c. 44.), ss. 2. and 3., *post*.

(3) *See* pp. 306–308, *ante*.

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to be payable, or any effects or money in charge or supposed to be in charge of the Admiralty, falsely and deceitfully personates any person entitled or supposed to be entitled to receive the same, every such person shall be guilty of a misdemeanor, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding five years, or to be imprisoned for any term not exceeding two years, with or without hard labour, and with or without solitary confinement, or on summary conviction before a justice, sheriff, or magistrate shall be liable to be imprisoned for any term not exceeding six months, with or without hard labour.

Saving for punishment under other Acts, &c.

9. Nothing in this Act shall prevent any person from being proceeded against and punished under any other Act or at common law in respect of an offence (if any) punishable as well under this Act as under any other Act or at common law.

As to publication of orders in council.

11. Every order in council under this Act shall be published in the London Gazette, and shall be laid before both Houses of Parliament within thirty days after the making thereof, if Parliament is then sitting, and if not then within thirty days after the next meeting of Parliament.

Short title.

12. This Act may be cited as the Admiralty Powers, &c. Act, 1865.

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28 & 29 Victoria.—A.D. 1865.

CAP. CXXV.

An Act for the Regulation of Dockyard Ports.(1)

[6th July 1865.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Dockyard Ports Regulation Act, 1865.

Interpretation of terms.

2. In this Act—

The term "dockyard port" means any port, harbour, haven, roadstead, sound, channel, creek, bay, or navigable river of the United Kingdom in, on, or near to which her Majesty now or at any time hereafter has any dock, dockyard, steam factory yard, victualling yard, arsenal, wharf, or mooring:

The term "vessel" includes ship, boat, lighter, and craft of every kind, however propelled:

The term "master" applied to a vessel means the person having the command or charge of the vessel for the time being:

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(1) *See*, as to royal dockyards, 12 Geo. 3. c. 24., p. 7, *ante*; and *see* 54 Geo. 3. c. 159., p. 17, *ante*.

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The term "justice" and the term "magistrate" respectively mean a justice of the peace and a magistrate acting for the place where the matter requiring the cognizance of a justice or magistrate arises:

The term "sheriff" means the sheriff depute of the county or ward of a county in Scotland, and the steward depute of the stewartry in Scotland in which the matter submitted to the cognizance of the sheriff arises, and includes the substitute of a sheriff or steward depute:

The term "the Admiralty" means the lord high admiral of the United Kingdom or the commissioners for executing the office of lord high admiral.

Power to define limits.

3. It shall be lawful for her Majesty in council, from time to time, by order in council, to define the limits of a dockyard port for the purposes of this Act.

Appointment of Queen's harbour masters.

4. The Admiralty may from time to time appoint for each dockyard port a fit person to superintend the execution of this Act, and otherwise to protect the port, to be called the Queen's harbour master for the respective port.

Port regulations to be made by orders in council.

5. In relation to any dockyard port it shall be lawful for her Majesty in council, from time to time, by order in council, to make regulations for all or any of the following purposes; namely,

To prohibit the mooring or anchoring of vessels so as to obstruct navigation into, in, or out of the port:

To appropriate any space as a mooring place or anchoring ground for the exclusive use of her Majesty's vessels, but not so as to authorize any user of such space in such manner as to obstruct navigation into, in, or out of the port:

To prohibit or restrict the having of gunpowder and the having or discharging of shotted or loaded guns on board any vessel in any specified part of the port, and to regulate the loading and unloading of gunpowder in the port:

To restrict the use of fire and light, and the having of tar, oil, or other combustible substances on board any vessel, in any specified part of the port:

To prohibit the navigating of steam vessels at a greater than a specified speed in any specified part of the port:

To require the presence of at least one person at all hours of the day and night on board every vessel above a specified size moored, anchored, or placed in any specified part of the port:

To prohibit or regulate the breaming of vessels in any specified part of the port:

And for such other purposes as from time to time seem necessary with a view to the proper protection of her Majesty's vessels, dockyards, or property, or to the requirements of her Majesty's naval service.

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Penalties in such orders.

6. Any such order in council may impose such reasonable penalties as seem fit, not exceeding for any offence ten pounds; but any provision imposing a penalty shall be so framed that part only of the penalty may be ordered to be paid.

Orders in council to be made as to lights, prevention of collision, &c. with concurrence of Board of Trade.

7. In relation to any dockyard port it shall be lawful for her Majesty in council, from time to time, by order in council, on the joint recommendation of the Admiralty and the Board of Trade, to make rules concerning the lights or signals to be carried or used, and the steps for avoiding collision to be taken by her Majesty's vessels and other vessels navigating the waters of the port and of the approaches thereto; and such rules shall, with respect to her Majesty's vessels and other vessels navigating those waters, have the same effect as if they had been regulations originally contained in Table (C.) in the schedule to the Merchant Shipping Act Amendment Act, 1862,(1) or were regulations duly substituted for the same, and as if such original or substituted regulations applied to her Majesty's vessels as well as to other vessels.

25 & 26 Vict. c. 63.

As to the printing and sale of orders.

8. The Admiralty shall cause printed copies of every order in council under this Act relative to any dockyard port to be provided, and to be sold at a reasonable price, to be fixed by the Admiralty, to all persons desirous of buying the same.

Publication of orders.

9. Every order in council under this Act shall be published in the London Gazette, and shall be made to take effect not sooner than the expiration of thirty days from such publication; and a copy of the London Gazette containing any such order shall be conclusive evidence of the due making and publication of such order; and every such order shall be judicially noticed without being specially pleaded.

Effect of order.

10. Every order in council under this Act shall be binding on all persons, and shall be sufficient to justify all persons acting thereunder.

Power for Queen's harbour master to unmoor vessels, &c.

11. If the master of any vessel within a dockyard port does not moor, anchor, place, unmoor, or remove the same according to directions given by the Queen's harbour master in conformity with any order in council under this Act, or if there is no person on board of any such vessel to attend to such directions, the Queen's harbour master may cause the vessel to be moored, anchored, placed, unmoored, or removed in conformity with the order in council, and for that purpose may cast off, loose, or unshackle, and (if need be) sever any chain or rope of the vessel, first putting on board a sufficient number of persons for the protection of the vessel in case there is not a sufficient number of persons on board to protect the same; and all expenses attending the exercise of the powers of the present section shall be paid by the master of the vessel.

(1) *See* 25 & 26 Vict. c. 63. s. 25., p. 320, *ante*.

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Power to search, &c.

12. The Queen's harbour master, or any person having authority in writing from the Admiralty in this behalf, may, with proper assistants, enter into any vessel in a dockyard port, and there search for gunpowder, shotted or loaded guns, fire or light, or combustible substances had or suspected to be had on board in contravention of any order in council under this Act, and may extinguish any such fire or light; and if any person wilfully obstructs the Queen's harbour master or other person in the execution of the authority conferred by this section he shall for each offence be liable to a penalty not exceeding ten pounds.

Power to remove wreck, &c.

13. The Queen's harbour master may remove any wreck or other thing being an obstruction to the dockyard port or to the approaches thereto, and any floating timber that impedes the navigation thereof.

Power to remove unserviceable vessels.

14. Any vessel laid by or neglected as unfit for sea service shall not be permitted to lie within any part of a dockyard port specified in this behalf in any order in council under this Act; and the Queen's harbour master may cause every such vessel to be removed from the part of the port so specified, and to be laid on some part of the strand or sea shore, or in some other place where the same may without injury to any person be placed.

Recovery of expenses of removal of wreck, &c.

15. The expenses incurred by the Queen's harbour master in the removal of any such wreck or other thing or timber, or in the removal or placing of any such vessel, shall be repaid by the owner thereof; and the Queen's harbour master may detain, and in case of nonpayment of the expenses, on demand, may sell the wreck or other thing, timber or vessel, and out of the proceeds of the sale pay those expenses and the expenses of the sale, rendering the surplus (if any) to the owner, on demand; and any deficiency may be recovered from the owner.

Recovery of expenses by owner from master, &c.

16. If the owner of any vessel or thing is in any case compelled to pay any penalty, expenses, sum of money, or costs, by reason of any act or omission of the master of a vessel or other person, he shall be entitled to recover the amount paid by him, with costs, from the person who actually committed the offence or did the wrongful act in respect whereof the owner was compelled to make such payment.

Summary proceedings for penalties, &c.

17. Penalties, expenses, and sums of money made recoverable by this Act, or by any order in council under it, may be recovered by summary proceedings in England or in Ireland before a justice, and in Scotland before a sheriff, justice, or magistrate.

Application of penalties.

18. Penalties, expenses, and sums of money recovered as aforesaid, except when recovered by an owner from a master or other person, shall be paid into the receipt of her Majesty's Exchequer in such manner as the commissioners of her Majesty's Treasury from time to time direct, and shall be carried to and form part of the consolidated fund of the United Kingdom.

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Penalties, &c. may be raised by sale of vessel.

19. Where any justice, sheriff, or magistrate, by virtue of this Act or any order in council under it, makes an order directing payment of any penalty, expenses, or sum of money by the master or owner of a vessel, and payment is not duly made, the justice, sheriff, or magistrate who made the order, or any other justice, sheriff, or magistrate having the same jurisdiction, may (in addition to any power which he may have for the purpose of compelling payment) direct the amount unpaid to be levied by distress or poinding and sale of the vessel, her tackle, furniture, and apparel, or of any part thereof.

Service of summons.

20. Any summons or other document in any proceeding on this Act or any order in council under it may (in addition to any other mode of service) be served by being left for the person to be served on board any vessel to which he belongs with the person being or appearing to be in command or charge of the vessel.

Local jurisdiction.

21. For the purpose of giving jurisdiction, every offence against this Act or any order in council under it shall be deemed to have been committed, and every cause of complaint shall be deemed to have arisen, either in the place in which the same actually was committed or arose, or in any place in which the offender or person complained against happens to be.

Jurisdiction of justice of the peace.

22. Where any district within which any justice, sheriff, or magistrate has jurisdiction for any purpose under this or any other Act, or at common law, abuts on the shore of the sea or other navigable water, every such justice, sheriff, or magistrate shall for the purposes of this Act have jurisdiction over any vessel being or passing near the shore, and over every person on board thereof or belonging thereto, as if such vessel or person was within the ordinary limits of the jurisdiction of the justice, sheriff, or magistrate.

Saving for right of property, &c.

23. Nothing in this Act shall prejudice, take away, abridge, or alter any right of property, privilege or jurisdiction, or any powers of conservancy, held, possessed, enjoyed, or exercised by any body or person in, to, upon, or over any part of a dockyard port, or of the shores and banks thereof.

Limitation of actions, &c.

24. Any action or proceeding shall not lie against any Queen's harbour master or other person acting under the authority or in the execution or intended execution or in pursuance of this Act, or of any order in council under it, for any alleged irregularity or trespass or other act or thing done or omitted by him, unless notice in writing (specifying the cause of the action or proceeding) is given by the intending plaintiff or prosecutor to the intended defendant one month at least before the commencement of the action or proceeding, nor unless the action or proceeding is commenced within six months next after the act or thing complained of is done or omitted, or, in case of a continuation of damage, within six months next after the doing of such damage has ceased.

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In any such action the defendant may plead generally that the act or thing complained of was done or omitted by him when acting under the authority or in the execution or intended execution or in pursuance of this Act, or of any such order in council (specifying it), and may give all special matter in evidence; and the plaintiff shall not succeed if tender of sufficient amends is made by the defendant before the commencement of the action; and in case no tender is made the defendant may, by leave of the court in which the action is brought, at any time pay into court such sum of money as he thinks fit, whereupon such proceeding and order shall be had and made in and by the court as may be had and made on the payment of money into court in an ordinary action; and if the plaintiff does not succeed in the action the defendant shall receive such full and reasonable indemnity as to all costs, charges, and expenses incurred in and about the action as may be taxed and allowed by the proper officer, subject to review; and though a verdict is given for the plaintiff in the action he shall not have costs against the defendant unless the judge before whom the trial is had certifies his approval of the action.

26. Every order in council under this Act shall be laid before both Houses of Parliament within thirty days after the making thereof if Parliament is then sitting, and if not then within thirty days after the next meeting of Parliament. Orders in council to be laid before Houses of Parliament.

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29 & 30 Victoria.—A.D. 1866.

CAP. XXXIX.

An Act to consolidate the Duties of the Exchequer and Audit Departments, to regulate the Receipt, Custody, and Issue of Public Moneys, and to provide for the Audit of the Accounts thereof. [28th June 1866.]

WHEREAS it is expedient to consolidate the powers and duties of the comptroller of her Majesty's Exchequer and of the commissioners for auditing the public accounts, and to unite in one department the business hitherto conducted by the separate establishments under them; and to make other provisions for the more complete examination of the public accounts of the United Kingdom: Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as "The Exchequer and Audit Departments Act, 1866." Short title.

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Acts in schedule (C.) to be repealed.(1)

46. All accounts required or directed to be audited by the board of audit shall be audited according to the provisions of this Act: But nothing herein shall be deemed to confer upon the Treasury the powers with respect to audit vested in the Admiralty by the "Greenwich Hospital Act, 1865,"(2) or to affect any right, title, obligation, or liability acquired or accrued before the commencement of this Act: Provided always, that this Act shall not affect any proceeding which may have been commenced under any of the said Acts before this Act comes into operation.

SCHEDULE B.

Army;
Navy;

and such other services as the Treasury, by their minute, to be laid before Parliament, may direct; but no such minute shall take effect until it shall have lain before the House of Commons thirty days, unless it shall have been previously approved by a resolution of the House of Commons.

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29 & 30 Victoria.—A.D. 1866.

CAP. XLIII.

An Act for the Establishment and Regulation of Savings Banks for Seamen and Marines of the Royal Navy. [28th June 1866.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Naval Savings Banks Act, 1866.

"The Admiralty."

2. In this Act the term "the Admiralty" means the lord high admiral of the United Kingdom, or the commissioners for executing the office of lord high admiral.

Commencement of Act.

3. This Act shall, with respect to the making of any order in council under it, take effect from its passing, and shall in all other respects take effect from the time appointed for its commencement by any such order.

Power to Admiralty to establish savings banks.

4. The Admiralty may establish naval savings banks for the receipt of deposits of money from petty officers and seamen borne on the books of any vessel in her Majesty's service, and from non-commissioned officers and privates of the royal marines.

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(1) The repealing portion of this section and schedule C. containing the list of enactments repealed are omitted.

(2) *See* 28 & 29 Vict. c. 89. s. 47., p. 384, *ante*.

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Regulations to be made by order in council.

5. It shall be lawful for her Majesty in council from time to time to make, by order in council, such regulations as to her Majesty in council seem meet for the management of naval savings banks (in this Act referred to as the regulations), and thereby to prescribe (among other things) the rate of interest to be allowed on deposits, not exceeding the rate of three pounds fifteen shillings per centum per annum, and the terms and conditions on which deposits are to be received and interest is to be paid.

The regulations shall be binding on all parties interested in the matters to which they relate as if they were enacted in this Act.

Publication of orders in council.

6. Every order in council under this Act shall be published in the London Gazette; and a copy of the gazette containing the same shall be conclusive evidence of the making and contents thereof; and every such order shall be judicially noticed without being specially pleaded.

Every such order in council shall be laid before both Houses of Parliament.

Naval savings banks not deemed within sect. 38. of 26 & 27 Vict. c. 87.

7. A naval savings bank shall not be deemed a savings bank within the meaning of section thirty-eight of the Act of the session of the twenty-sixth and twenty-seventh years of her Majesty's reign (chapter eighty-seven), "to consolidate and "amend the laws relating to savings banks," or of any other enactment relating to savings banks in force at the passing of this Act.

Transfer of deposits to other savings banks.

8. Subject and according to the regulations, a deposit in a naval savings bank, or part thereof, may be transferred to a savings bank certified under the Act of 1863, or to a post office savings bank, and the whole amount transferred shall be received in the bank to which the transfer is made, notwithstanding anything in the Acts relating to savings banks, but the same, when received, shall be subject to the provisions of those Acts.

Investment of deposits and application of interest, &c.

9. Any deposits in naval savings banks may from time to time be invested (subject and according to the regulations) in the name of the commissioners for the reduction of the national debt in stocks, annuities, or securities approved by the Admiralty and the commissioners of her Majesty's Treasury; and the interest or dividends accruing in respect of such investments may from time to time be invested (subject and according to the regulations) in like manner; and such interest or dividends shall not be subject to any taxes, charges, or impositions whatever.

Sale of stocks, &c. and application of proceeds.

10. The commissioners for the reduction of the national debt shall from time to time, on the requisition of the Admiralty, sell any stocks, annuities, or securities for the time being standing in their names under this Act, and shall pay the proceeds of any such sale to the cash account of her Majesty's paymaster general

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at the Bank of England; and the same shall be applied, subject and according to the regulations.

Annual account to be laid before Parliament.

11. An account shall be annually laid before both Houses of Parliament, showing the deposits in naval savings banks and the payments thereof and of interest thereon, and all investments under this Act, and the application of the interest or dividends accruing in respect thereof, and of the proceeds of any sale of any stocks, annuities, or securities.

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29 & 30 Victoria.—A.D. 1866.

CAP. LXII.

An Act to amend the Law relating to the Woods, Forests, and Land Revenues of the Crown. [6th August 1866.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Transfer to Board of Trade.

Transfer of management of foreshore to Board of Trade.

7. From and immediately after the thirty-first day of December one thousand eight hundred and sixty-six all such parts and rights and interests as then belong to her Majesty in right of the Crown of and in the shore and bed of the sea, and of every channel, creek, bay, estuary, and of every navigable river of the United Kingdom, as far up the same as the tide flows (and which are herein-after for brevity called the foreshore), except as in this Act provided, shall, subject to the provisions of this Act, and subject also to such public and other rights as by law exist in, over, or affecting the foreshore or any part thereof, be and the same are hereby transferred from the management of the Commissioners of Woods to, and thenceforth the same shall be under the management of, the Board of Trade.

Board of Trade to have same powers as Commissioners of Woods.

8. The Board of Trade shall have and may exercise all the powers and authorities, rights and privileges, whatsoever with regard to the foreshore which the Commissioners of Woods now have or are entitled to exercise with respect to the same.

Exception of portions of foreshore described in second schedule, &c.

17. Nothing in this Act shall apply to the portions of the foreshore described in the second schedule to this Act, or to any other particular portions of the foreshore with respect to which the Commissioners of Woods are by any Act specially empowered to make any disposition or arrangement of or concerning the rights of the Crown therein; and every such Act shall continue to operate, and every disposition or arrangement made or to be made thereunder shall have the like validity, effect, and consequences, as if this Act had not been passed.

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Exception of portions of foreshore sold, &c.

18. Nothing in this Act shall apply to any portion of the foreshore in relation to which any instrument has been before the first day of January one thousand eight hundred and sixty-seven made or executed by the Commissioners of Woods, or either of them, in the due exercise of any powers for the time being by law vested in them or him.

Exception of portions of foreshore where money paid into court, &c.

19. Where before the first day of January one thousand eight hundred and sixty-seven any money has been paid under any Act into the Bank of England or any other bank in relation to any portion of the foreshore, then such money and portion of the foreshore shall continue and may be dealt with as if this Act had not been passed.

Exception of portions of foreshore fronting Crown property.

20. Nothing in this Act shall apply to any portion of the foreshore in front of or immediately adjacent to any lands whereof or whereto her Majesty, or any person or body in trust for her Majesty, is on the thirty-first day of December one thousand eight hundred and sixty-six seised or entitled in possession, reversion, or remainder, or which lands on the same day are the property of any department of her Majesty's Government, or in the possession of any such department or of any officers thereof; and every such portion of the foreshore shall continue vested, and be subject to the exercise therein of the same powers, authorities, rights, and privileges, as if this Act had not been passed; and nothing in this Act contained or to be done by virtue of this Act shall take away, restrict, or diminish any power or right by law vested in the Crown to use the foreshore for the purposes of any salmon fishings which may belong to the Crown.

Exception of mines, &c. under foreshore.

21. Nothing in this Act shall apply to any beds, seams, or veins of coal or stone or any metallic or other mineral substances in or under the foreshore, or to any mines or quarries thereof, and the same shall continue and be vested, held, and enjoyed as if this Act had not been passed.

Power for persons interested in mines, &c. to enter on foreshore, &c.

22. Subject to the provisions of this Act, all persons for the time being entitled, in right of or under the Crown, to or to the management of any beds, seams, veins, mines, or quarries as aforesaid in or under the foreshore, or in or under any lands immediately adjacent thereto, and their respective tenants, may take into possession, or use or pass through, over, or under, any portion of the foreshore under the management of the Board of Trade in order to do all or any of the following things; namely,

To make or sink any pits, shafts, adits, drifts, levels, drains, watercourses, pools, or embankments;

To make, lay, place, use, and repair any spoil banks, roads, ways, brooks, and banks;

To make, erect, and repair any lodges, shafts, steam and other engines, buildings, works, and machinery;

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To do any such other acts as are for the time being necessary or convenient for working, searching for, digging, raising, carrying away, dressing, or making merchantable the coal, stone, or other substances aforesaid;

Giving to the Board of Trade at least two months previous notice in writing of the intention to exercise the powers of this section (stating the nature, extent, and duration of the proposed interference with the foreshore), and doing as little damage as may be in the exercise of those powers, and making full compensation to all persons interested for all damage sustained by them by reason or in consequence of the exercise of such powers, the amount and application of such compensation to be determined in manner provided by the Lands Clauses Consolidation Act, 1845, the Lands Clauses Consolidation (Scotland) Act, 1845, or the Railways Act (Ireland), 1851, and any Act amending those Acts respectively (as the case requires), for determination of the amount and application of compensation for lands taken or injuriously affected.

Protection of structures on or near foreshore.

23. Nothing in the foregoing provisions shall authorize any person, and it shall not be lawful for any person, to sink, drive, or make any pit, shaft, adit, drift, level, drain, watercourse, pool, or embankment, so as to injure, weaken, or endanger, or be likely to injure, weaken, or endanger, any pier or other structure on or near the foreshore.

Short title.

32. This Act may be cited as the Crown Lands Act, 1866.

The SECOND SCHEDULE.

Portions of Foreshore excepted from Transfer to Board of Trade.

Portions of Foreshore.	Acts relating to those Portions of Foreshore.
Foreshore of Thames -	The Thames Conservancy Act, 1857.
Foreshore of Tees -	The Tees Conservancy Act, 1857.
Foreshore of county palatine of Durham.	21 & 22 Vict. c. 45. — An Act to amend the provisions of an Act of the sixth year of King William the Fourth, for separating the palatine jurisdiction of the county palatine of Durham from the bishoprick of Durham, and to make further provision with respect to the jura regalia of the said county.

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29 & 30 Victoria.—A.D. 1866.

Cap. CIX.

An Act to make Provision for the Discipline of the Navy.(1) [10th August 1866.]

[*Printed, as amended, in accordance with the Naval Discipline Act*, 1884 (47 & 48 *Vict. c.* 39.)]

WHEREAS it is expedient to amend the law relating to the government of the navy, whereon, under the good Providence of God, the wealth, safety, and strength of the kingdom chiefly depend:

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

Articles of War.

Public Worship.

Public worship to be performed.

1. All officers in command of her Majesty's ships of war shall cause the public worship of Almighty God according to the liturgy of the Church of England established by law to be solemnly, orderly, and reverently performed in their respective ships, and shall take care that prayers and preaching, by the chaplains in holy orders of the respective ships, be performed diligently, and that the Lord's Day be observed according to law.

Misconduct in the Presence of the Enemy.

Penalty for misconduct in action.

2. Every flag officer, captain, commander or officer commanding subject to this Act who upon signal of battle, or on sight of a ship of an enemy which it may be his duty to engage shall not,

(1.) Use his utmost exertion to bring his ship into action;

(2.) Or shall not during such action, in his own person and according to his rank, encourage his inferior officers and men to fight courageously;

(3.) Or who shall surrender his ship to the enemy when capable of making a successful defence, or who in time of action shall improperly withdraw from the fight,

shall, if he has acted traitorously, suffer death; if he has acted from cowardice shall suffer death, or such other punishment as is

(1) For application of such Naval Discipline Act or Acts as may be in force for time being, to Indian Marine Service, *see* 47 & 48 Vict. c. 38. s. 6., *post*, and for application to naval artillery volunteers, *see* the Naval Artillery Volunteer Act, 1873, 36 & 37 Vict. c. 77. s. 21., *post*.

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herein-after mentioned; and if he has acted from negligence, or through other default, he shall be dismissed from her Majesty's service, with or without disgrace, or shall suffer such other punishment as is herein-after mentioned.

Penalty for not pursuing the enemy, and of not assisting a friend in view.

3. Every officer subject to this Act who shall forbear to pursue the chase of any enemy, pirate, or rebel, beaten or flying, or shall not relieve and assist a known friend in view to the utmost of his power, or who shall improperly forsake his station, shall, if he has therein acted traitorously, suffer death; if he has acted from cowardice, suffer death or such other punishment as is herein-after mentioned; if he has acted from negligence, or through other default, shall be dismissed from her Majesty's service, with disgrace, or shall suffer such other punishment as is herein-after mentioned.

Penalty for delaying or discouraging the service, or deserting his post, &c.

4. When any action or any service is commanded, every person subject to this Act who shall presume to delay or discourage the said action or service upon any pretence whatsoever, or in the presence or vicinity of the enemy shall desert his post or sleep upon his watch, shall suffer death or such other punishment as is herein-after mentioned.

Penalty for misconduct of subordinate officers and men in action.

5. Every person subject to this Act, and not being a commanding officer, who shall not use his utmost exertions to carry the orders of his superior officers into execution when ordered to prepare for action, or during the action, shall, if he has acted traitorously, suffer death; if he has acted from cowardice shall suffer death, or such other punishment as is herein-after mentioned; and if he has acted from negligence, or through other default, be dismissed from her Majesty's service, with disgrace, or suffer such other punishment as is herein-after mentioned.

Communications with the Enemy.

Penalty for spies.

6. All spies for the enemy shall be deemed to be persons subject to this Act, and shall suffer death or such other punishment as is herein-after mentioned.

Penalty for corresponding, &c. with the enemy.

7. Every person subject to this Act who shall—

(1.) Traitorously hold correspondence with or shall give intelligence to the enemy;

(2.) Or fail to make known to the proper authorities any information he may have received from the enemy;

(3.) Or who shall relieve the enemy with any supplies,

shall suffer death, or such other punishment as is herein-after mentioned.

Penalty for improper communication with the enemy.

8. Every person subject to this Act who shall, without any treacherous intention, hold any improper communication with the enemy, shall be dismissed with disgrace from her Majesty's service, or shall suffer such other punishment as is herein-after mentioned.

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Neglect of Duty.

Penalty for abandoning post, &c.

9. Every person subject to this Act who shall desert his post or sleep upon his watch, or negligently perform the duty imposed on him, shall be dismissed from her Majesty's service, with disgrace, or shall suffer such other punishment as is herein-after mentioned.

Mutiny.

Penalty for mutiny accompanied by acts of violence.

10. Where mutiny is accompanied by violence, every person subject to this Act who shall join therein shall suffer death, or such other punishment as is herein-after mentioned; and every person subject to this Act who shall not use his utmost exertions to suppress such mutiny shall, if he has acted traitorously, suffer death, or such other punishment as is herein-after mentioned; if he has acted from cowardice, shall suffer penal servitude or such other punishment as is herein-after mentioned; if he has acted from negligence he shall be dismissed from her Majesty's service, with disgrace, or suffer such other punishment as is herein-after mentioned.

Penalty for mutiny not accompanied by acts of violence.

11. Where a mutiny is not accompanied by violence, the ringleader or ringleaders of such mutiny shall suffer death, or such other punishment as is herein-after mentioned; and all other persons who shall join in such mutiny, or shall not use their utmost exertions to suppress the same, shall suffer imprisonment or such other punishment as is herein-after mentioned.

Penalty for inciting to mutiny.

12. Every person subject to this Act who shall endeavour to seduce any other person subject to this Act from his duty or allegiance to her Majesty, or endeavour to incite him to commit any act of mutiny, shall suffer death or such other punishment as is herein-after mentioned.

Penalty for civilians endeavouring to seduce from allegiance.

13. Every person, not otherwise subject to this Act, who, being on board any ship of her Majesty, shall endeavour to seduce from his duty or allegiance to her Majesty any person subject to this Act, shall so far as respects such offence be deemed to be a person subject to this Act, and shall suffer death or such other punishment as is herein-after mentioned.

Penalty for making mutinous assemblies or uttering seditious words.

14. Every person subject to this Act who shall make or endeavour to make any mutinous assembly, or shall lead or incite any other person to join in any mutinous assembly, or shall utter any words of sedition or mutiny, shall suffer penal servitude or such other punishment as is herein-after mentioned.

Penalty for concealing any traitorous or mutinous practice, design, or words.

15. Every person subject to this Act who shall wilfully conceal any traitorous or mutinous practice or design, or any traitorous or mutinous words spoken against her Majesty, or any words, practice, or design tending to the hindrance of the service, shall suffer penal servitude or such other punishment as is herein-after mentioned.

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Punishment for striking or attempting to strike, &c. superior officer.

16. Every person subject to this Act who shall strike, or with any weapon attempt to strike, or draw or lift up any weapon against his superior officer being in the execution of his office, shall be punished with death or such other punishment as is herein-after mentioned; and every person subject to this Act who shall, otherwise than with a weapon, attempt to strike or use or attempt to use any violence against his superior officer being in the execution of his office, shall be punished with penal servitude or such other punishment as is herein-after mentioned; and every person subject to this Act who shall strike or attempt to strike, or draw or lift up any weapon against, or use or attempt to use any violence against his superior officer not being in the execution of his office, shall be punished with penal servitude or such other punishment as is herein-after mentioned.

Insubordination.

Penalty for disobedience or using threatening language to superior officer.

17. Every person subject to this Act who shall wilfully disobey any lawful command of his superior officer, or shall use threatening or insulting language, or behave with contempt to his superior officer, shall be punished with dismissal with disgrace from her Majesty's service, or suffer such other punishment as is herein-after mentioned.

Penalty for quarrelling, &c., or using reproachful speech or gestures.

18. Every person subject to this Act who shall quarrel or fight with any other person, whether such other person be or be not subject to this Act, or shall use reproachful or provoking speeches or gestures tending to make any quarrel or disturbance, shall suffer imprisonment or such other punishment as is herein-after mentioned.

Desertion and Absence without Leave.

Penalty for desertion.

19. Every person subject to this Act who shall absent himself from his ship, or from the place where his duty requires him to be, with an intention of not returning to such ship or place, or who shall at any time and under any circumstances when absent from his ship or place of duty, do any act which shows that he has an intention of not returning to such ship or place, shall be deemed to have deserted, and shall be punished accordingly; that is to say,

(1.) If he has deserted to the enemy he shall be punished with death or such other punishment as is herein-after mentioned;

(2.) If he has deserted under any other circumstances, he shall be punished with penal servitude or such other punishment as is herein-after mentioned;

and in every such case he shall forfeit all pay, head money, bounty, salvage, prize money, and allowances that have been earned by him, and all annuities, pensions, gratuities, medals, and decorations that may have been granted to him, and also all

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clothes and effects which he may have left on board the ship or at the place from which he has deserted, unless the tribunal by which he is tried, or the Admiralty, shall otherwise direct.

Penalty for inducing any person to desert.

20. Every person subject to this Act who shall endeavour to seduce any other person subject to this Act to desert shall suffer imprisonment or such other punishment as is herein-after mentioned.

Penalty for entertaining a deserter.

21. Every officer in command of any ship of her Majesty who shall receive or entertain any deserter from her Majesty's military or naval forces, after discovering him to be a deserter, and shall not with all convenient speed, in the case of a deserter from her Majesty's naval forces, give notice to the commanding officer of the ship to which such deserter belongs, or, if such ship is at a distance, to the secretary of the Admiralty or to the commander-in-chief, or, in case of a deserter from her Majesty's military forces, give notice to the secretary of war, or the commanding officer of the regiment to which such deserter belongs, the officer so offending shall be dismissed from her Majesty's service, or shall suffer such other punishment as is herein-after mentioned.

Punishment for breaking out of ship.

22. If any person subject to this Act (without being guilty of desertion) improperly leaves his ship or place of duty, he shall be liable to imprisonment or to such other punishment as is herein-after mentioned, and to such other punishment by forfeiture of wages or of other benefits as the Admiralty from time to time by regulations prescribe.

Penalty for absence without leave.

23. Every person subject to this Act who (without being guilty of desertion or of improperly leaving his ship or place of duty) shall be absent without leave shall be liable to imprisonment for any period not exceeding ten weeks, with or without hard labour, or such other punishment as the circumstances of the case may require, and to such other punishment by forfeiture of wages or of other benefits as the Admiralty from time to time by regulations prescribe.

Forfeiture of effects for absence without leave.

24. If any person subject to this Act is absent without leave for a period of one month (whether he is guilty of desertion or of improperly leaving his ship or place of duty or not), but is not apprehended and tried for his offence, he shall be liable to forfeiture of wages and other benefits as the Admiralty from time to time by regulations prescribe, and the Admiralty, or, on a foreign station, the commander-in-chief, may by an order containing a statement of the absence without leave direct that the clothes and effects (if any) left by him on board ship or at his place of duty be forfeited, and the same may be sold, and the proceeds of the sale shall be disposed of as the Admiralty or the commander-in-chief (as the case may be) may direct; and every order under this provision for forfeiture or sale shall be conclusive as to the fact of the absence without leave as therein stated of

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the person therein named; but in any case the Admiralty may, if it seems fit on sufficient cause being shown at any time after forfeiture and before sale, remit the forfeiture, or after sale pay or dispose of the proceeds of the sale or any part thereof to or for the use of the person to whom the clothes or effects belonged, or his representatives.

Penalty for assisting, &c. desertion.

25. If any person not subject to this Act assists or procures any person subject to this Act to desert or improperly absent himself from his duty, or conceals, employs, or continues to employ any person subject to this Act, who is a deserter or improperly absent from his duty, knowing him to be a deserter or so improperly absent, he shall, for every such offence of assistance, procurement, concealment, employment, or continuance of employment, be liable, on summary conviction thereof before a justice or justices, or before any person or persons or court exercising like authority in any part of her Majesty's dominions, to a penalty not exceeding thirty pounds; and, notwithstanding anything in any Act relating to municipal corporations, or to the metropolitan police, or in any other Act, every such penalty shall be applied as the Admiralty direct.

Penalty for persuading to desertion, &c.

26. If any person not subject to this Act by words or otherwise persuades any person subject to this Act to desert or improperly absent himself from his duty, he shall for every such offence be liable, on summary conviction thereof before a justice or justices, or before any person or persons or court exercising like authority in any part of her Majesty's dominions, to a penalty not exceeding twenty pounds; and, notwithstanding anything in any Act relating to municipal corporations, or to the metropolitan police, or in any other Act, every such penalty shall be applied as the Admiralty direct.

Miscellaneous Offences.

Penalty for profane swearing and other immoralities.

27. Every person subject to this Act who shall be guilty of any profane oath, cursing, execration, drunkenness, uncleanness, or other scandalous action in derogation of God's honour and corruption of good manners, shall be dismissed from her Majesty's service, with disgrace, or suffer such other punishment as is herein-after mentioned.

Penalty on officer for cruelty or oppression.

28. Every officer subject to this Act who shall be guilty of cruelty, or of any scandalous or fraudulent conduct, shall be dismissed with disgrace from her Majesty's service; and every officer subject to this Act who shall be guilty of any other conduct unbecoming the character of an officer shall be dismissed, with or without disgrace, from her Majesty's service.

Penalty for suffering ships to be improperly lost.

29. Every person subject to this Act who shall either designedly or negligently or by any default lose, strand, or hazard, or suffer to be lost, stranded, or hazarded, any ship

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of her Majesty or in her Majesty's service, shall be dismissed from her Majesty's service, with disgrace, or suffer such other punishment as is herein-after mentioned.

Penalty for not taking care of and defending ships under convoy.

30. The officers of all ships of her Majesty appointed for the convoy and protection of any ships or vessels shall diligently perform their duty without delay according to their instructions in that behalf; and every officer who shall fail in his duty in this respect, and shall not defend the ships and goods under his convoy, without deviation to any other objects, or shall refuse to fight in their defence if they are assailed, or shall cowardly abandon and expose the ships in his convoy to hazard, or shall demand or exact any money or other reward from any merchant or master for convoying any ships or vessels intrusted to his care, or shall misuse the masters or mariners thereof, shall make such reparation in damages to the merchants, owners, and others as the court of Admiralty may adjudge, and also shall be punished criminally according to the nature of his offence, by death or such other punishment as is herein-after mentioned.

Master of merchant vessel to obey orders of convoying officer.

31. Every master or other officer in command of any merchant or other vessel under the convoy of any ship of her Majesty shall obey the commanding officer thereof in all matters relating to the navigation or security of the convoy, and shall take such precautions for avoiding the enemy as may be directed by such commanding officer; and if he shall fail to obey such directions, such commanding officer may compel obedience by force of arms, without being liable for any loss of life or of property that may result from his using such force.

Penalty for taking any goods on board other than for the use of the vessel except gold, silver, jewels, &c.

32. Every officer in command of any of her Majesty's ships who shall receive on board or permit to be received on board such ship any goods or merchandises whatsoever, other than for the sole use of the ship, except gold, silver, or jewels, and except goods and merchandise belonging to any merchant, or on board any ship which may be shipwrecked or in imminent danger, either on the high seas or in some port, creek, or harbour, for the purpose of preserving them for their proper owners, or except such goods or merchandise as he may at any time be ordered to take or receive on board by order of the Admiralty or his superior officer, shall be dismissed from her Majesty's service, or suffer such other punishment as is herein-after mentioned.

Penalty for embezzling public stores.

33. Every person subject to this Act who shall wastefully expend, embezzle, or fraudulently buy, sell, or receive any ammunition, provisions, or other public stores, and every person subject to this Act, who shall knowingly permit any such wasteful expenditure, embezzlement, sale, or receipt, shall suffer imprisonment or such other punishment as is herein-after mentioned.

Penalty for burning any magazine or

34. Every person subject to this Act who shall unlawfully set fire to any dockyard, victualling yard, or steam factory yard,

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vessel, &c. not belonging to an enemy.

arsenal, magazine, building, stores, or to any ship, vessel, hoy, barge, boat, or other craft or furniture thereunto belonging, not being the property of an enemy, pirate, or rebel, shall suffer death or such other punishment as is herein-after mentioned.

Penalty for making or signing false musters.

35. Every person subject to this Act who shall knowingly make or sign a false muster or record or other official document, or who shall command, counsel, or procure the making or signing thereof, or who shall aid or abet any other person in the making or signing thereof, shall be dismissed from her Majesty's service, with disgrace, or suffer such other punishment as is herein-after mentioned.

Penalty for misconduct in hospital.

36. Every person subject to this Act who shall wilfully do any act, or wilfully disobey any orders, whether in hospital or elsewhere, with intent to produce or to aggravate any disease or infirmity, or to delay his cure, or who shall feign any disease, infirmity, or inability to perform his duty, shall suffer imprisonment or such other punishment as is herein-after mentioned.

Penalty for endeavouring to stir up any disturbance on account of unwholesomeness of the victuals or other just grounds.

37. Every person subject to this Act who shall have any cause of complaint, either of the unwholesomeness of the victuals or upon any other just ground, shall quietly make the same known to his superior, or captain, or commander-in-chief, and the said superior, captain, or commander-in-chief shall, as far as he is able, cause the same to be presently remedied; and no person subject to this Act upon any pretence whatever shall attempt to stir up any disturbance, upon pain of such punishment as a court-martial may think fit to inflict, according to the degree of offence.

Penalty for not sending to the court of Admiralty all papers found aboard prize ships.

38. All the papers, charter-parties, bills of lading, passports, and other writings whatsoever that shall be taken, seized, or found aboard any ship or ships which shall be taken as prize shall be duly preserved, and the commanding officer of the ship which shall take such prize shall send the originals entire and without fraud to the court of Admiralty, or such other court or commissioners as shall be authorised to determine whether such prize be lawful capture, there to be viewed, made use of, and proceeded upon according to law, upon pain that every person offending herein shall be dismissed from her Majesty's service, or shall suffer such other punishment as is herein-after mentioned, and in addition thereto shall forfeit and lose his share of the capture.

Penalty for taking money or other effects out of any prize before the same shall be condemned.

39. No person subject to this Act shall take out of any prize or ship seized for prize any money, plate, or goods, unless it shall be necessary for the better securing thereof, or for the necessary use and service of any of her Majesty's ships and vessels of war, before the same be adjudged lawful prize in some Admiralty court; but the full and entire account of the whole without embezzlement shall be brought in, and judgment passed entirely upon the whole, without fraud, upon pain that every person offending herein shall be dismissed from her Majesty's service,

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with disgrace, or suffer such other punishment as is herein-after mentioned, and in addition thereto forfeit and lose his share of the capture.

Penalty for stripping or ill-using persons taken on board a prize.

40. If any ship or vessel shall be taken as prize, none of the officers, mariners, or other persons on board her shall be stripped of their clothes, or in any sort pillaged, beaten, or evil intreated, upon pain that the person or persons so offending shall be dismissed from her Majesty's service, with disgrace, or suffer such other punishment as is herein-after mentioned.

Penalty on commanders capturing as prize by collusion, or collusively restoring ships or goods.

41. If the commanding officer of any of her Majesty's ships does any of the following things, namely,

(1.) By collusion with the enemy takes as prize any vessel, goods, or thing;

(2.) Unlawfully agrees with any person for the ransoming of any vessel, goods, or thing taken as prize; or

(3.) In pursuance of any unlawful agreement for ransoming or otherwise by collusion actually quits or restores any vessel, goods, or thing taken as prize;

he shall be liable to dismissal from her Majesty's service, with disgrace, or to such other punishment as is herein-after mentioned.

Penalty for breaking bulk on board prize ship with a view to embezzlement.

42. If any person subject to this Act breaks bulk on board any vessel taken as prize, or detained in the exercise of any belligerent right, or under any Act relating to piracy or to the slave trade or to the Customs, with intent to embezzle anything therein or belonging thereto, he shall be liable to dismissal from her Majesty's service, with disgrace, or to such other punishment as is herein-after mentioned, and in addition thereto to forfeit and lose his share of the capture.

Penalty for offences against naval discipline not particularly mentioned.

43. Every person subject to this Act who shall be guilty of any act, disorder, or neglect to the prejudice of good order and naval discipline, not herein-before specified, shall be dismissed from her Majesty's service, with disgrace, or suffer such other punishment as is herein-after mentioned.

Crimes to be punished according to laws and customs in use.

44. Any person subject to this Act committing any offence against this Act, such offence not being punishable with death or penal servitude, shall, save where this Act expressly otherwise provides, be proceeded against and punished according to the laws and customs in such cases used at sea.

Offences punishable by ordinary Law.

Penalty for offences punishable by ordinary law.

45. Every person subject to this Act who shall be guilty of murder shall suffer death:

If he shall be guilty of manslaughter he shall suffer penal servitude, or such other punishment as is herein-after mentioned:

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If he shall be guilty of sodomy with man or beast he shall suffer penal servitude:

If he shall be guilty of an indecent assault he shall suffer penal servitude or such other punishment as is herein-after mentioned:

If he shall be guilty of robbery or theft he shall suffer penal servitude or such other punishment as is herein-after mentioned:

If he shall be guilty of any other criminal offence which if committed in England would be punishable by the law of England, he shall, whether the offence be or be not committed in England, be punished either in pursuance of the first part of this Act as for an act to the prejudice of good order and naval discipline not otherwise specified, or the offender shall be subject to the same punishment as might for the time being be awarded by any ordinary criminal tribunal competent to try the offender if the offence had been committed in England.

Offences, when punishable.

46. For all offences specified or referred to in this Act, if committed by any person subject thereto in any harbour, haven, or creek, or on any lake or river, whether in or out of the United Kingdom, or anywhere within the jurisdiction of the Admiralty, or at any place on shore out of the United Kingdom of Great Britain and Ireland, or in any of her Majesty's dockyards, victualling yards, steam factory yards, or on any gun wharf, or in any arsenal, barrack, or hospital belonging to her Majesty, whether in or out of the said United Kingdom, the offender may be tried and punished under this Act; and for all offences herein-before specified under the headings "misconduct in the presence of the enemy," "communications with the enemy," "neglect of duty," "mutiny," "insubordination," "desertion and absence without leave," or "miscellaneous offences," if committed by any person subject to this Act at any place on shore, whether in or out of the said United Kingdom, the offender may be tried and punished under this Act.

PART II.

General Provisions.

Power of court-martial to find intent with which offence committed.

47. Where the amount of punishment for any offence under this Act depends upon the intent with which it has been committed, and any prisoner is charged with having committed such offence with an intent involving a greater degree of punishment, a court-martial may find that the offence was committed with an intent involving a less degree of punishment, and award such punishment accordingly.

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48. Where any prisoner shall be charged with murder, a court-martial may find him guilty of manslaughter or of a common assault; where he shall be charged with sodomy, a court-martial may find him guilty of an indecent assault; where he shall be charged with theft, a court-martial may find him guilty of an attempt to thieve, or of embezzlement, or of wrongful appropriation of property belonging to another; and generally where any prisoner shall be charged with any offence under this Act he may, upon failure of proof of the commission of the greater offence, be found guilty of another offence of the same class involving a less degree of punishment, but not of any offence involving a greater degree of punishment. Power of court-martial to find prisoner guilty of lesser offence on charge of greater.

49. All armed rebels, armed mutineers, and pirates shall be deemed to be enemies within the meaning of this Act. Rebels and mutineers to be deemed enemies.

50. Every officer in command of a fleet or squadron of her Majesty's ships, or of one of her Majesty's ships, or the senior officer present at a port, may, by warrant under his hand, authorise any person to arrest any offender subject to this Act for any offence against this Act mentioned in such warrant; and any such warrant may include the names of more persons than one in respect of several offences of the same nature; and any person named in any such warrant may forthwith, on his apprehension, if the warrant so directs, be taken on board the ship to which he belongs, or some other of her Majesty's ships; and any person so authorised may use force, if necessary, for the purpose of effecting such apprehension, towards any person subject to this Act. Power to arrest offenders.

51. Every person subject to this Act who shall not use his utmost endeavours to detect, apprehend, and bring to punishment all offenders against this Act, and shall not assist the officers appointed for that purpose, shall suffer imprisonment or such other punishment as is herein-after mentioned. Penalty for not assisting in detection of prisoners.

PART III.

REGULATIONS AS TO PUNISHMENTS.

52. The following punishments may be inflicted in her Majesty's navy: Punishments.

(1.) Death:
(2.) Penal servitude:
(3.) Dismissal with disgrace from her Majesty's service:
(4.) Imprisonment or corporal punishment:
(5.) Dismissal from her Majesty's service:
(6.) Forfeiture of seniority as an officer for a specified time, or otherwise:
(7.) Dismissal from the ship to which the offender belongs:
(8.) Severe reprimand, or reprimand:
(9.) Disrating a subordinate or petty officer:

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(10.) Forfeiture of pay, head money, bounty, salvage, prize money, and allowances earned by, and of all annuities, pensions, gratuities, medals, and decorations granted to the offender, or of any one or more of the above particulars; also, in the case of desertion, of all clothes and effects left by the deserter on board the ship to which he belongs:

(11.) Such minor punishments as are now inflicted according to the custom of the navy, or may from time to time be allowed by the Admiralty.

And each of the above punishments shall be deemed to be inferior in degree to every punishment preceding it in the above scale.

Regulations as to infliction of punishments.

53. The following regulations are hereby made with respect to the infliction of punishments in her Majesty's navy:—

(1.) The Admiralty may, except in case of sentence of death, which shall only be remitted by her Majesty, suspend, annul, or modify any sentence passed on any person subject to this Act, or substitute a punishment inferior in degree for the punishment involved in any such sentence, or remit the whole or any portion of the punishment involved in any such sentence, or remit the whole or any portion of any punishment into which the punishment involved in any such sentence has been commuted, and any sentence so modified shall (subject to the provisions of this Act) be valid, and shall be carried into execution, as if it had been originally passed, with such modification, by the court-martial; but so that the punishment involved in any sentence be not increased by any such modification:

(2.) Judgment of death shall not be passed on any prisoner unless four at least of the officers present at the court-martial, where the number does not exceed five, and in other cases a majority of not less than two thirds of the officers present, concur in the sentence:

(3.) Except in case of mutiny, the punishment of death shall not be inflicted on any prisoner until the sentence has been confirmed by the Admiralty or by the commander-in-chief on a foreign station:

(4.) The punishment of penal servitude may be inflicted for the term of life, or for any other term of not less than five years:

(5.) The punishment of penal servitude shall in all cases involve dismissal with disgrace from her Majesty's service:

(6.) A sentence of dismissal with disgrace shall involve in all cases a forfeiture of all pay, head money, bounty, salvage, prize money, and allowances that have been earned by, and of all annuities, pensions, gratuities, medals, and decorations that may have been granted

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to the offender, and an incapacity to serve her Majesty again in any military, naval, or civil service, and may also in all cases be accompanied by a sentence of imprisonment:

(7.) The punishment of imprisonment may be inflicted for any term not exceeding two years.

(8.) A sentence of imprisonment may be accompanied with a direction that the prisoner shall be kept in solitary confinement for any period of such term, not exceeding fourteen days at any one time, and not exceeding eighty-four days in any one year, with intervals between the periods of solitary confinement of not less duration than the periods of solitary confinement; and when the imprisonment awarded exceeds eighty-four days, the solitary confinement shall not exceed seven days in any twenty-eight days of the whole imprisonment awarded, with intervals between the periods of solitary confinement of not less duration than such periods:

(9.) A sentence of imprisonment may also be accompanied with a direction that the prisoner shall be kept to hard labour for all or any part of the term of imprisonment, and corporal punishment may be awarded in addition to any sentence of imprisonment, whether such imprisonment is or is not to be accompanied with solitary confinement and hard labour, or either of them:

(10.) The punishment of imprisonment, whether on board ship or on shore, shall involve disrating in case of a petty officer and reduction to the ranks in case of a non-commissioned officer of marines, and shall in all cases be accompanied by stoppage of pay or wages during the term of imprisonment:

(11.) In any case of corporal punishment not more than forty-eight lashes shall be inflicted: no officer shall be subject to corporal punishment: no petty or non-commissioned officer shall be subject to corporal punishment, except in case of mutiny:

All other punishments authorised by this Act may be inflicted in the manner heretofore in use in the navy.

Limitation of time to trials.

54. No person, unless he be an offender who has avoided apprehension or fled from justice, shall be tried or punished in pursuance of this Act for any offence committed by him unless such trial shall take place within three years from the commission of such offence, or within one year after the return of such offender to the United Kingdom, where he has been absent from the United Kingdom during such period of three years.

Scale of punishment.

55. Subject to the foregoing regulations, where any punishment is specified by this Act as the penalty for any offence, and

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it is further declared that another punishment may be awarded in respect of the same offence, the expression "other punishment" shall be deemed to comprise any one or more of the punishments inferior in degree to the specified punishment, according to the scale herein-before mentioned; but corporal punishment shall be deemed equal in degree to imprisonment, and may in all cases, subject to the foregoing regulations, be inflicted as a substitute for or in addition to imprisonment.

Authorities having power to try offences.

56. (1.) Any offence triable under this Act may be tried and punished by court-martial.

(2.) Any offence not capital which is triable under this Act, and (except in the cases by this Act expressly provided for) is not committed by an officer, may, under such regulations as the Admiralty from time to time issue, be summarily tried and punished by the officer in command of the ship to which the offender belongs at the time either of the commission or of the trial of the offence, subject to the restriction that the commanding officer shall not have power to award penal servitude or to award imprisonment for more than three months.

(3.) The power by this section vested in an officer commanding a ship may,—

(*a.*) As respects persons on board a tender to the ship, be exercised, when the tender is absent from the ship, by the officer in command of the tender; and

(*b.*) As respects persons on board any boat or boats belonging to the ship, be exercised, when such boat or boats is or are absent on detached service, by the officer in command of the boat or boats; and

(*c.*) As respects persons subject to this Act on shore on detached service, or such of those persons as are not for the time being made subject to military law by an order under section one hundred and seventy-nine of the Army Act, 1881, be exercised by the officer in immediate command on shore of those persons.

(4.) Except in case of mutiny, no man shall be sentenced by the commanding officer to corporal punishment until his offence has been inquired into by one or more officers appointed by such commanding officer, and his or their opinion as to the guilt or innocence of the prisoner reported to such commanding officer, and the commanding officer shall thereupon act as according to his judgment may seem right.

Authorities empowered to impose punishments to adhere to provisions herein named.

57. With respect to the authorities by whom certain punishments may be imposed, the following provisions shall take effect; namely,

(1.) With respect to any subordinate officer, the punishment of forfeiture of time or seniority may be imposed as follows; namely, by the Admiralty for any time not exceeding twelve months, by the commander-in-chief

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on a foreign station for any time not exceeding six months, or by the commanding officer for any time not exceeding three months:

(2.) With respect to any subordinate officer, the commander-in-chief on a foreign station shall have power to impose the punishments numbered (7.), (8.), and (9.) in the scale herein-before contained.

PART IV.

COURTS-MARTIAL.

Constitution of Courts-martial.

Constitution of courts-martial.

58. The following regulations are hereby made with respect to courts-martial:

(1.) A court-martial shall consist of not less than five nor more than nine officers:

(2.) No officer shall be qualified to sit as a member of any court-martial held in pursuance of this Act unless he be a flag officer, captain, commander, or lieutenant of her Majesty's navy on full pay:

(3.) A court-martial shall not be held unless at least two of her Majesty's ships, not being tenders, and commanded by captains, commanders, or lieutenants of her Majesty's navy on full pay, are together at the time when such court-martial is held:

(4.) No officer shall sit on a court-martial who is under twenty-one years of age:

(5.) No court-martial for the trial of a flag officer shall be duly constituted unless the president is a flag officer, and the other officers composing the court are of the rank of captain, or of higher rank:

(6.) No court-martial for the trial of a captain in her Majesty's navy shall be duly constituted unless the president is a captain or of higher rank, and the other officers composing the court are commanders or officers of higher rank:

(7.) No court-martial for the trial of a person below the rank of captain in her Majesty's navy shall be duly constituted, unless the president is a captain or of higher rank, nor, if the person to be tried is of the rank of commander, unless in addition to the president two other members of the court are of the rank of commander or of higher rank:

(8.) The prosecutor shall not sit on any court-martial for the trial of a prisoner whom he prosecutes:

(9.) The Admiralty shall have power to order courts-martial to be held for the trial of offences under this Act, and

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to grant commissions to any officer of her Majesty's navy on full pay authorising him to order courts-martial to be held for the trial of such offences:

(10.) An officer holding a commission from the Admiralty to order courts-martial shall not be empowered to do so if there is present at the place where such court-martial is to be held any officer superior in rank to himself on full pay and in command of one or more of her Majesty's ships or vessels, although such last-mentioned officer may not hold a commission to order courts-martial; and in such a case such last-mentioned officer may order a court-martial, although he does not hold any commission for the purpose:

(11.) If any officer holding a commission from the Admiralty to order courts-martial, having the command of a fleet or squadron, and being in foreign parts, die, be recalled, leave his station, or be removed from his command, the officer upon whom the command of the fleet or squadron devolves, and so from time to time the officer who shall have the command of the fleet or squadron, shall, without any commission from the Admiralty, have the same power to order courts-martial as the first-mentioned officer was invested with:

(12.) If any officer holding a commission from the Admiralty to order courts-martial, and having the command of any fleet or squadron of her Majesty's ships in foreign parts shall detach any part of such fleet or squadron, or separate himself from any part of such fleet or squadron, he may, by commission under his hand, empower, in the first-mentioned case, the commanding officer of the squadron or detachment ordered on such separate service, and in case of his death or ceasing so to command, the officer to whom the command of such separate squadron or detachment shall belong, and in the secondly-mentioned case the senior officer of her Majesty's ships on the division of the station from which he is absent, to order courts-martial during the time of such separate service, or during his absence from that division of the station (as the case may be), and every such authority shall continue in force until revoked, or until the officer holding it returns to the United Kingdom or until he comes into the presence of a superior officer, empowered to order courts-martial in the same squadron, detachment, or division of a station, but so that such authority shall revive on the officer holding it ceasing to be in the presence of such a superior officer, and so from time to time as often as the case so requires:

(13.) The officer ordering a court-martial shall not sit thereon:

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(14.) The president of every court-martial shall be named by the authority ordering the same, or by any officer empowered by such authority to name the president:

(15.) No commander or lieutenant shall be required to sit as a member of any court-martial when four officers of a higher rank and junior to the president can be assembled at the place where the court-martial is to be holden (but the regularity or validity of any court-martial or of the proceedings thereof shall not be affected by any commander or lieutenant being required to sit, or sitting, thereon, under any circumstances); and when any commander or lieutenant sits on any court-martial the members of it shall not exceed five in number:

(16.) Subject to the foregoing regulations, whenever a court-martial shall be held, the officer appointed to preside thereat shall summon all the officers next in seniority to himself present at the place where the court-martial shall be held to sit thereon, until the number of nine, or such number, not less than five, as is attainable, is complete; subject to this proviso, that the admirals and captains, being superintendents of her Majesty's dockyards, shall not be summoned to sit on courts-martial unless specially directed to do so by orders from the Admiralty.

Proceedings of Courts-martial.

Where courts-martial to be held.

59. A court-martial under this Act shall be held on board one of her Majesty's ships or vessels of war.

As to time of sittings of courts-martial.

60. A court-martial held in pursuance of this Act shall sit from day to day, with the exception of Sundays, until sentence is given, unless prevented from so doing by stress of weather or unavoidable accident, and its proceedings shall not be delayed by the absence of any member, so that not less than four are present; and no member shall absent himself unless compelled so to do by sickness or other just cause, to be approved of by the other members of the court; and if any member of a court-martial shall absent himself therefrom, in contravention of this section, he shall be dismissed from her Majesty's service, or shall suffer such other punishment as may be awarded by a court-martial.

Appointment of officiating judge advocate.

61. In the absence of the judge advocate of the fleet or his deputy, and in default of any appointment in this behalf by the Admiralty, or by the commander-in-chief of any fleet or squadron, the officer who is to be the president of the court-martial shall appoint a person to officiate as deputy judge advocate at the trial; and the judge advocate of the fleet for the time being, or his deputy, or the person officiating as deputy judge advocate, at any trial shall administer an oath to every witness appearing at the trial.

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Proceedings at trial.

62. As soon as the court is assembled, the names of the officers composing the court shall be read over to the prisoner, who shall be asked if he objects to being tried by any member of the court; if the prisoner shall object to any member, the objection shall be decided by the court; if the objection shall be allowed, the place of the member objected to shall be filled up by the officer next in seniority who is not on the court-martial, subject to the regulations herein-before contained.

The prisoner may then raise any other objection which he desires to make respecting the constitution of the court-martial, and the objection shall then be decided by the court, which decision shall be final, and the constitution of the court-martial shall not be afterwards impeached, and it shall be deemed to have been in all respects duly constituted.

Oaths to be administered to members of courts-martial.

63. Before the court shall proceed to try the prisoner, the judge advocate of the fleet, or his deputy, or the person officiating as deputy judge advocate of the fleet, shall administer to every member of the court the following oath; that is to say,

'I do swear, that I will duly administer justice, 'according to law, without partiality, favour, or affection; 'and I do further swear, that I will not on any account, at any 'time whatsoever, disclose or discover the vote or opinion of 'any particular member of this court-martial, unless thereunto 'required in due course of law. So help me GOD.'

Oath to be administered to judge advocate, &c.

64. As soon as the said oath shall be administered to the members of the court-martial, the president shall administer to the judge advocate of the fleet, or his deputy, or the person officiating as deputy judge advocate, the following oath:

'I do swear, that I will not upon any account, 'at any time whatsoever, disclose or discover the vote or 'opinion of any particular member of the court-martial, unless 'thereunto required in due course of law. So help me GOD.'

Power to Admiralty to frame general orders for practice of courts-martial, subject to approval by her Majesty in council.

65. The Admiralty may from time to time frame general orders for altering and regulating (subject to the provisions of this Act) the procedure and practice of courts-martial under this Act; and any such general orders shall have full effect if and when approved by her Majesty in council, on a report of the judicial committee of the Privy Council, but not sooner or otherwise; and every order in council made under this section shall be laid before both Houses of Parliament.

Summoning witnesses.

66. Every person, civil, naval, and military, who may be required to give evidence before a court-martial, shall be summoned by writing under the hand of one of the secretaries of the Admiralty, or by the deputy judge advocate, or the person appointed to officiate as deputy judge advocate at the trial; and all persons so summoned and attending as witnesses before any court-martial shall, during their necessary attendance in or on such court, and in going to and returning from the same, be

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privileged from arrest, and shall, if unduly arrested, be discharged by the court out of which the writ or process issued by which such witness was arrested, or if such court be not sitting, then by any judge of the superior courts of Westminster or Dublin, or the Court of Session in Scotland, or of the courts of law in the East or West Indies or elsewhere, according as the case shall require, upon its being made to appear to such court or judge, by any affidavit in a summary way, that such witness was arrested in going to or returning from or attending upon such court-martial; and all witnesses so duly summoned as aforesaid who make default in attending on such courts, or attending refuse to be sworn or make affirmation, or being sworn or having made affirmation refuse to give evidence, or to answer all such questions as the court may legally demand of them, or prevaricate in giving their evidence, shall upon certificate thereof under the hand of the president of such court-martial, be liable to be attached in the Court of Queen's Bench in London or Dublin, or the Court of Session, or sheriff depute or stewarts depute, or their respective substitutes, within their several shires and stewartries in Scotland, or courts of law in the East or West Indies, or in any of her Majesty's colonies, garrisons, or dominions in Europe or elsewhere, respectively, upon complaint made, in like manner as if such witness after having been duly summoned and subpœnaed had neglected to attend on a trial in any proceeding in the court in which such complaint is made, or had refused to be sworn, or on being sworn had refused to give evidence, or to answer all such questions as the court may legally demand, or had prevaricated in giving evidence, or, if the court-martial shall think fit, in case any such person belong to her Majesty's navy, being called upon to give evidence at any court-martial, shall refuse or neglect to attend to give his evidence upon oath or affirmation, or shall prevaricate in his evidence, or behave with contempt to the court, such court-martial may punish every such offender by imprisonment not longer than three months in case of such refusal, neglect, or prevarication, nor longer than one month in the case of such contempt; and every person not subject to this Act who may be so summoned to attend shall be allowed and paid his reasonable expenses for such attendance, under the authority of the Admiralty, or of the president of the court-martial on a foreign station.

Penalty on persons giving false evidence.

67. Every person who, upon any examination upon oath or upon affirmation before any court-martial held in pursuance of this Act, shall wilfully and corruptly give false evidence, shall be deemed guilty of wilful and corrupt perjury; and every such offence, wheresoever committed, shall be triable and punishable in England; and where any such offence committed out of England is tried in England, all statutes and laws applicable to cases of perjury shall apply to the case.

Where person are insane at the time of

68. Where it shall appear upon the trial by court-martial of any person charged with an offence that such person is insane,

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offence or trial.

the court shall find specially the fact of his insanity, and shall order such person to be kept in strict custody in such place and in such manner as the court shall deem fit until the directions of the Admiralty thereupon are known, and it shall be lawful for the lords of the Admiralty to give orders for the safe custody of such person during her Majesty's pleasure in such place and in such manner as they shall think fit.

Report of proceedings of courts-martial to be transmitted.

69. Every judge advocate, or deputy judge advocate, or person officiating as deputy judge advocate, shall transmit with as much expedition as may be the original proceedings, or a complete and authenticated copy thereof, and the original sentence of every court-martial attended by him, to the commander-in-chief or senior officer, who shall transmit them to the secretary of the Admiralty for the time being, and any person tried by a court-martial shall be entitled, on demand, to a copy of such proceedings and sentence at any time not sooner than six months after the trial if the same takes place in the Mediterranean, three months if at any other naval station within Europe, and twelve months if elsewhere, (upon payment for the same at the rate of fourpence per folio of seventy-two words,) but no such demand shall be allowed after the space of three years from the date of the final decision of such court.

PART V.

PENAL SERVITUDE AND PRISONS.

Penal Servitude.

Sentence of penal servitude.

70. Where a person is in pursuance of this Act convicted by a court-martial, and either is sentenced or has his sentence commuted to penal servitude, such conviction and sentence shall be of the same effect as if such person had been convicted by a civil court in the United Kingdom of an offence punishable by penal servitude and sentenced by that court to penal servitude, and all enactments relating to a convict so sentenced shall, so far as circumstances admit, apply accordingly; and the said convict shall be removed to some prison in which a convict so sentenced by a civil court in the United Kingdom can be confined either permanently or temporarily, and the order of the Admiralty or of the commander-in-chief, or of the officer ordering the court-martial by whom such person was convicted, shall be a sufficient warrant for the transfer of the said person to such prison to undergo his sentence according to law, and until he reaches such prison for his detention in naval custody, or in any civil prison or place of confinement.

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Subsistence of offender.

72. In case any such offender shall be conveyed to any prison, not being a naval prison appointed by virtue of this Act, an

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allowance such as the Admiralty shall from time to time direct shall be made to the governor, keeper, or superintendent of the gaol or prison for the subsistence of such offender during his detention therein, and such allowance shall be paid by order of the Admiralty upon production by the said governor, keeper, or superintendent of a declaration, to be made by him before one of her Majesty's justices of the peace of such county, of the number of days during which the offender has been so detained and subsisted in such gaol or prison.

Imprisonment of offender already under sentence for previous offence.

73. Whenever sentence shall be passed by a court-martial on an offender already under sentence either of imprisonment or of penal servitude, passed upon him by a court-martial for a former offence, the court may award sentence of imprisonment or penal servitude for the offence for which he is under trial to commence at the expiration of the imprisonment or penal servitude to which he has been previously sentenced, although the aggregate of the terms of imprisonment or penal servitude may exceed the term for which either of those punishments could be otherwise awarded.

Provided that nothing in this section shall cause a person to undergo imprisonment for any period exceeding two consecutive years, and so much of any term of imprisonment imposed on a person by a sentence in pursuance of this section as would prolong his imprisonment beyond that period shall be deemed to be remitted.

Prisons.

Term and place of imprisonment.

74. (1.) Every term of penal servitude or of imprisonment in pursuance of this Act shall be reckoned as commencing on the day on which the sentence was awarded, and the place of imprisonment, whether the imprisonment was awarded as an original or as a commuted punishment, shall be such place as may be appointed by the court or the commanding officer awarding the punishment, or which may from time to time be appointed by the Admiralty, or by the commander-in-chief or senior officer present on any foreign station, and may be one of the naval prisons appointed under this Act, or any common gaol, house of correction, or military prison within her Majesty's dominions.

(2.) Where, by reason of a ship being at sea or off a place at which there is no proper prison, a sentence of imprisonment cannot be duly executed, then, subject as herein-after mentioned, an offender under sentence of imprisonment may be sent with all reasonable speed to some place at which there is a proper prison in which the sentence can be duly executed, and on arrival there the offender shall undergo his sentence, in like manner as if the date of such arrival were the day on which the sentence was awarded, and that notwithstanding that in the meanwhile he has returned to his duty or become entitled to his discharge; and the term of imprisonment shall be reckoned

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accordingly, subject however to the deduction of any time during which he has been kept in confinement in respect of the said sentence.

(3.) Where in pursuance of this Act a person is sentenced to imprisonment, the order of the Admiralty or of the commander-in-chief, or of the officer ordering the court-martial by which such person was sentenced, or, if he was sentenced by the commanding officer of a ship, the order of such commanding officer, shall be a sufficient warrant for the sending of such person to the place of imprisonment, there to undergo his sentence according to law, and until he reaches such place of imprisonment, for his detention in naval custody, or in any civil prison or place of confinement.

Place of imprisonment may be changed, &c.

75. Whenever it is deemed expedient it shall be lawful for the Admiralty, or any such commander-in-chief, by any order in writing from time to time to change the place of confinement of any offender imprisoned or sentenced to be imprisoned or detained in pursuance of this Act, and the gaoler or other person having the custody of such offender shall immediately on the receipt of such order remove such offender to the gaol, prison, or house of correction mentioned in the said order, or shall deliver him over to naval custody for the purpose of the offender being removed to such prison; and every gaoler or keeper of such last-mentioned prison, gaol, or house of correction shall, upon being furnished with a copy of such order of removal, attested by the secretary of the Admiralty for the time being, receive into his custody and shall confine pursuant to such sentence or order every such offender.

Expenses of removal or subsistence of prisoners.

76. The gaoler or other person removing any offender in pursuance of such order shall be allowed for the charges of such removal a sum not exceeding one shilling a mile, and when any offender is not confined in a naval prison the gaoler or other person in whose custody any such offender may be shall receive such an allowance as the Admiralty shall from time to time direct for every day that such offender is in his custody, to be applied towards his subsistence, and such sum shall be paid to the said gaoler or other person under the authority of the Admiralty, upon the application in writing made to the secretary of the Admiralty by any justice for the county or place in which such gaol, prison, or house of correction shall be situate, with a copy of the sentence or order under which the prisoner is confined.

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Proviso for discharge or removal of prisoners.

78. Whenever any prisoner is undergoing imprisonment in pursuance of this Act, it shall be lawful for the Admiralty, or any commander-in-chief on any foreign station, or where an offender has been imprisoned by order of his commanding officer, for such commanding officer or the Admiralty, or any such commander-in-chief, to give an order in writing directing that

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the prisoner be discharged; and it shall also be lawful for the Admiralty, or any such commander-in-chief, and any officer commanding any of her Majesty's ships, by order in writing, to direct that any such prisoner be delivered over to naval custody for the purpose of being brought before a court-martial, either as a witness, or for trial or otherwise, and such prisoner shall accordingly, on the production of any such order, be discharged, or be delivered over to such custody.

Proviso as to time of detention in naval custody.

79. The time during which any prisoner under sentence of imprisonment is detained in naval custody shall be reckoned as imprisonment under his sentence for whatever purpose such detention takes place; and the governor, gaoler, keeper, or superintendent who shall deliver over any such prisoner shall again receive him from naval custody, so that he may undergo the remainder of his punishment.

In case of insanity prisoners to be removed to some lunatic asylum.

[**80.** If any person imprisoned by virtue of this Act shall become insane, and a certificate to that effect shall be given by two physicians or surgeons, the Admiralty shall, by warrant, direct the removal of such person to such lunatic asylum or other proper receptacle for insane persons in the United Kingdom as they may judge proper for the unexpired term of his imprisonment; and if any such person shall in the same manner be certified to be again of sound mind, the Admiralty may issue a warrant for his being removed to such prison or place of confinement as may be deemed expedient, to undergo the remainder of his punishment, and every gaoler or keeper of any prison, gaol, or house of correction shall receive him accordingly.(1)]

Admiralty may set apart buildings and ships as naval prisons.

81. (1.) The Admiralty may set apart any buildings or vessels, or any parts thereof, as naval prisons, and any buildings or vessels, or parts of buildings or vessels, so set apart shall be deemed to be naval prisons within the meaning of this Act.

(2.) The Admiralty shall have the same power and authority in respect to naval prisons as one of her Majesty's principal secretaries of state has in relation to military prisons under section one hundred and thirty-three of the Army Act, 1881, and that section shall apply as if it were herein re-enacted with the substitution of "the Admiralty" for "a secretary of state," and of "naval" for "military," and rules and regulations may be made accordingly by the Admiralty.

Penalties on aiding escape or attempt to escape of prisoners and on breach of prison regulations.

82. If any person shall convey or cause to be conveyed into any such naval prison any arms, tools, or instruments, or any mask or other disguise, to facilitate the escape of any prisoner, or by any means whatever shall aid any prisoner to escape or in an attempt to escape from such prison, whether an escape be actually made or not, such person shall be deemed guilty of felony, and upon being convicted thereof shall be imprisoned, with or without hard labour, for any term not exceeding two

(1) Sec. 80. is repealed so far as relates to a person imprisoned in England: 47 & 48 Vict. c. 64. s. 17.

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years, or suffer penal servitude for any term not exceeding fourteen years; and if any person shall bring or attempt to bring into such prison, in contravention of the rules, any spirituous or fermented liquor, he shall for every such offence be liable to a penalty not exceeding twenty pounds and not less than ten pounds; and if any person shall bring into such prison, or to or for any prisoner, without the knowledge of the officer having charge or command thereof, any money, clothing, provisions, tobacco, letters, papers, or other articles not allowed by the rules of the prison to be in the possession of a prisoner, or shall throw into the said prison any such articles, or by desire of any prisoner, without the sanction of the said officer, shall carry out of the prison any of the articles aforesaid, he shall for every such offence be liable to a penalty not exceeding five pounds; and if any person shall interrupt any officer of such prison in the execution of his duty, or shall aid or excite any person to assault, resist, or interrupt any such officer, he shall for every such offence be liable to a penalty not exceeding five pounds, or if the offender be a prisoner, he shall, upon conviction thereof before two justices of the peace, or not less than three of the visitors of the prison, be liable to be sentenced for every such offence to be imprisoned, either with or without hard labour, and with or without solitary confinement, for any time not exceeding six calendar months, in addition to so much of the time for which he was originally sentenced as may be then unexpired, and every penalty which may be incurred under this section shall be recoverable in a summary manner; and such two justices or three visitors are hereby authorised to issue warrants of distress and sale of the offender's goods, and every such penalty shall be applied as the Admiralty shall direct, any law, statute, charter, or custom to the contrary notwithstanding.

Penalty as regards gaolers, &c.

83. Every governor, gaoler, and keeper of any prison, gaol, or house of correction, and every officer having the charge or command of any place, ship, or vessel for imprisonment, who shall, without lawful excuse, refuse or neglect to receive or confine, remove, discharge, or deliver up any offender against the provisions of this Act, or any of them, shall incur for every such refusal or neglect a penalty not exceeding one hundred pounds to be recovered in a summary manner before two justices of the peace; and such two justices are hereby authorised to issue warrants of distress and sale of the offender's goods, and every such penalty shall be applied as the Admiralty shall direct, any law, statute, charter, or custom to the contrary notwithstanding.

PART VI.

SUPPLEMENTAL PROVISIONS.

Short title.

84. This Act may be cited for all purposes as the Naval Discipline Act.

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Except as otherwise provided, this Act shall be in force ne United Kingdom. Commencement of Act.

In the construction of this Act, unless there be something context or subject matter repugnant to or inconsistent ich construction, Definition of terms.

miralty," or "the lords of the Admiralty," shall mean the l high admiral for the time being of the United Kingdom Great Britain and Ireland, and when there shall be no lord high admiral in office, any two or more of the nissioners for executing the office of lord high admiral of the United Kingdom:

"Officer" shall mean an officer belonging to one of her Majesty's ships, and shall include a subordinate and a warrant officer, but shall not extend to petty and non-commissioned officers:

When the words "superior officer" are used in this Act they shall be held to include all officers, including petty and non-commissioned officers.

87. Every person in or belonging to her Majesty's navy, and borne on the books of any one of her Majesty's ships in commission shall be subject to this Act; and all other persons hereby made liable thereto shall be triable and punishable under the provisions of this Act. Persons subject to this Act.

88. Her Majesty's land forces, when embarked on board any of her Majesty's ships, shall be subject to the provisions of this Act to such extent and under such regulations as her Majesty, her heirs and successors, by any order or orders in council, shall at any time or times direct. Land forces embarked as passengers.

89. All other persons ordered to be received or being passengers on board any of her Majesty's ships shall be deemed to be persons subject to this Act, under such regulations as the Admiralty may from time to time direct. Other persons embarked as passengers.

90. With respect to hired vessels in her Majesty's service in time of war, being either armed or under the command of an officer in her Majesty's naval service, the following provisions shall take effect if in any case the Admiralty think fit so to direct, and where such direction is given the same shall be specified in the ship's articles: Provisions respecting discipline in hired ships in Her Majesty's service in war.

(1.) Every person borne on the books of any such hired vessel shall be subject to this Act:

(2.) Any offence committed by any such person shall be tried and punished as the like offence might be tried and punished if committed by any person in or belonging to her Majesty's navy, and borne on the books of any of her Majesty's ships in commission:

(3.) Every such offender who is to be tried by court-martial shall be placed under all necessary restraint until he can be tried by court-martial:

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(4.) On application made to the lords of the Admiralty, or to the commander-in-chief, or senior officer of any of her Majesty's ships or vessels of war abroad authorised to assemble and hold courts-martial, the lords of the Admiralty, commander-in-chief, or senior officer (as the case may be) shall assemble and hold a court-martial for the trial of the offender:

(5.) The officer commanding every such hired vessel shall have the same power in respect of all other persons borne on the books thereof, or for the time being on board the same, as the officer commanding one of her Majesty's ships has for the time being in respect of the officers and crew thereof or other persons on board the same:

(6.) The naval commander-in-chief and senior naval officer in her Majesty's service shall have the same powers over the officers and crew of every such hired vessel as they have for the time being over the officers and crew of any of her Majesty's ships.

Crews of ships lost or destroyed.

91. When any one of her Majesty's ships shall be wrecked or lost or destroyed, or taken by the enemy, such ship shall, for the purposes of this Act, be deemed to remain in commission until her crew shall be regularly removed into some other of her Majesty's ships of war, or until a court-martial shall have been held, pursuant to the custom of the navy in such cases, to inquire into the cause of the wreck, loss, destruction, or capture of the said ship.

All the officers and crew of lost ship may be tried by one court;

92. When no specific charge shall be made against any officer or seaman or other person in the fleet for or in respect or in consequence of such wreck, loss, destruction, or capture, it shall be lawful to try all the officers and crew or all the surviving officers and crew of any such ship, together, before one and the same court, and to call upon all or any of them when upon their trial to give evidence on oath or affirmation before the court touching any of the matters then under inquiry, but no officer or seaman or other person shall be obliged to give any evidence which may tend to criminate himself.

or by separate courts.

93. When deemed necessary by the Admiralty, or any officer authorised to order courts-martial, separate courts-martial shall be held for the trial of some one or more of such officers and crew for or in respect or in consequence of the wreck, loss, destruction, or capture of any such ship.

For subsequent offence, separate court.

94. For any offence or offences committed by any officer or seaman, or officers and seamen, after the wreck, loss, destruction, or capture of any such ship, a separate court-martial shall be held for the trial of such offender or offenders.

Pay of crews of ships lost or taken.

95. When any ship of her Majesty shall be wrecked, lost, or otherwise destroyed, or taken by the enemy, if it shall appear by the sentence of a court-martial that the crew of such ship did, in

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the case of a ship wrecked or lost, do their utmost to save her or get her off, and in the case of a ship taken by the enemy did their utmost to defend themselves, and that they have, since the wreck, destruction, loss, or capture of such ship, behaved themselves well, and been obedient to their officers, then all the pay of such crews, or of such portions of such crews as have behaved themselves well and been obedient to their officers, shall be continued until the time of their being discharged or removed into other ships of her Majesty, or dying.

When ship of senior officer is lost he may dispose of officers and crew of lost ship.

96. If the ship of any officer ordered to command any two or more of her Majesty's ships shall be wrecked, lost, or otherwise destroyed, such officer shall continue in the command of any ship or ships which at the time of his ship being wrecked, lost, or destroyed was or were under his command, and it shall be lawful for such officer to order the surviving officers and crew of the wrecked, lost, or destroyed ship to join any other ship under his command, or to distribute them among the other ships under his command, if more than one, and such officer shall, until he meets with some other officer senior to himself, have the same power and authority in all respect as if his ship had not been wrecked, lost, or destroyed.

Restriction on arrest of seamen, &c. for debt.

97. It shall not be lawful for any person to arrest any petty officer or seaman, non-commissioned officer of marines or marine, belonging to any ship of her Majesty, by any warrant, process, or writ issued in any part of her Majesty's dominions for any debt, unless the debt was contracted at a time when the debtor did not belong to her Majesty's service, nor unless before the issuing of the warrant, process, or writ, the plaintiff in the suit or some person on his behalf has made an affidavit in the court out of which it is issued, that the debt justly due to the plaintiff (over and above all costs) was contracted at a time when the debtor did not belong to her Majesty's service, nor unless a memorandum of such affidavit is marked on the back of the warrant, process or writ.

Discharge from arrest.

98. If any petty officer or seaman, non-commissioned officer of marines or marine, is arrested in contravention of the provisions of the last foregoing section, the court out of which the warrant, process, or writ issues, or any judge thereof, may, on complaint by the party arrested, or by his superior officer, investigate the case on oath or otherwise, and if satisfied that the arrest was made in contravention of the provisions of the last foregoing section, may make an order for the immediate discharge of the party arrested, without fee, and may award to the complainant the costs of his complaint, to be taxed by the proper officer, for the recovery whereof he shall have the like remedy as the plaintiff in the suit would have on judgment being given in his favour, with costs.

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PART VII.

SAVING CLAUSE.

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Nothing to take away prerogative of the Crown, or rights or powers of Admiralty.

100. Nothing in this Act shall take away, abridge, or control, further or otherwise than as expressly provided by this Act, any right, power, or prerogative of her Majesty the Queen in right of her Crown, or in right of her office of Admiralty or any right or power of the Admiralty.

Act not to supersede authority of ordinary courts.

101. Nothing in this Act contained shall be deemed or taken to supersede or affect the authority or power of any court or tribunal of ordinary civil or criminal jurisdiction, or any officer thereof, in her Majesty's dominions, in respect of any offence mentioned in this Act which may be punishable or cognizable by the common or statute law, or to prevent any person being proceeded against and punished in respect of any such offence otherwise than under this Act.

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30 & 31 Victoria.—A.D. 1867.

CAP. XLV.

An Act to extend and amend the Vice-Admiralty Courts Act, 1863. [15th July 1867.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as the Vice-Admiralty Courts Act Amendment Act, 1867.

26 & 27 Vict. c. 24. applied.

2. This Act shall be read as one Act with the Vice-Admiralty Courts Act, 1863.(1)

Interpretation of terms.

3. In the interpretation and for the purposes of this Act (if not inconsistent with the context or subject matter) the following terms shall have the respective meanings herein-after assigned to them; that is to say,

"Judge" shall mean the person lawfully appointed by the Admiralty to be judge of any vice-admiralty court, or, in default of such appointment, the chief justice or principal judicial officer, or the person for the time being lawfully authorized to act as the chief justice or principal judicial officer in the British possession in which such court is established:

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(1) *See* 26 & 27 Vict. c. 24., p. 330, *ante*, and the Appellate Jurisdiction Act, 1876 (39 & 40 Vict. c. 59.), s. 23., *post*.

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"Judicial powers" shall mean all powers and authorities which may be lawfully exercised by, and all duties by law imposed upon, any such judge in the trial, hearing, or progress of any cause:

"Ministerial powers" shall mean all powers and authorities which may be lawfully exercised by, and all duties by law imposed upon, any such judge, not included under the term "judicial powers":

"Sit" or "sitting" shall mean sit or sitting for the exercise of judicial powers, whether in court or in chambers.

Admiralty may revoke appointments.

13. Notwithstanding anything contained in this Act, it shall be lawful for the Admiralty, if they think fit, at any time to revoke the appointment of any deputy judge, deputy registrar, or deputy marshal appointed under this Act.

Her Majesty may establish a vice-admiralty court in a possession having legislative powers.

16. It shall be lawful for her Majesty to empower the Admiralty, by commission under the great seal, to establish one or more vice-admiralty courts in any British possession, notwithstanding that such possession may have previously acquired independent legislative powers; and the jurisdiction and authority of all the existing vice-admiralty courts are hereby declared to be confirmed, to all intents and purposes, notwithstanding that the possession in which any such court has been established may at the time of its establishment have been in possession of legislative powers.

Extended to the Straits Settlements.

17. The Vice Admiralty Courts Act, 1863,(1) shall, together with this Act, apply to any vice-admiralty court now established or hereafter to be established in the Straits Settlements.

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30 & 31 Victoria.—A.D. 1867.

CAP. C.

An Act to make further Provision respecting the Naval Knights of Windsor.(2) [15th August 1867.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

* * * * * * *

Widowers to be deemed single men.

2. Widowers shall be deemed single men within the meaning of the will of the founder of the naval knights of Windsor, and appointments of widowers to that foundation heretofore made are hereby confirmed.

Short title.

3. This Act may be cited as the Naval Knights of Windsor Act, 1867.

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(1) *See* 26 & 27 Vict. c. 24., p. 330, *ante*, and the Appellate Jurisdiction Act, 1876 (39 & 40 Vict. c. 59.), s. 23., *post*.

(2) Conf. 48 & 49 Vict. c. 42. s. 7., *post*.

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31 & 32 Victoria.—A.D. 1868.

Cap. XXXVII.

An Act to amend the Law relating to Documentary Evidence in certain Cases.(1) [25th June 1868.]

WHEREAS it is expedient to amend the law relating to evidence: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Documentary Evidence Act, 1868."

Mode of proving certain documents.

2. Primâ facie evidence of any proclamation, order, or regulation issued before or after the passing of this Act by her Majesty or by the privy council, also of any proclamation, order, or regulation issued before or after the passing of this Act by or under the authority of any such department of the government or officer as is mentioned in the first column of the schedule hereto, may be given in all courts of justice, and in all legal proceedings whatsoever, in all or any of the modes herein-after mentioned; that is to say,

(1.) By the production of a copy of the gazette purporting to contain such proclamation, order, or regulation:

(2.) By the production of a copy of such proclamation, order, or regulation purporting to be printed by the government printer, or, where the question arises in a court in any British colony or possession, of a copy purporting to be printed under the authority of the legislature of such British colony or possession:

(3.) By the production, in the case of any proclamation, order, or regulation issued by her Majesty or by the privy council, of a copy or extract purporting to be certified to be true by the clerk of the privy council or by any one of the lords or others of the privy council, and, in the case of any proclamation, order, or regulation issued by or under the authority of any of the said departments or officers, by the production of a copy or extract purporting to be certified to be true by the person or persons specified in the second column of the said schedule in connexion with such department or officer.

Any copy or extract made in pursuance of this Act may be in print or in writing, or partly in print and partly in writing.

(1) Applied by the Naturalization Act, 1870 (33 & 34 Vict. c. 14.), s. 12., *post*.

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No proof shall be required of the handwriting or official position of any person certifying, in pursuance of this Act, to the truth of any copy of or extract from any proclamation, order, or regulation.

Act to be in force in colonies.

3. Subject to any law that may be from time to time made by the legislature of any British colony or possession, this Act shall be in force in every such colony and possession.

Punishment of forgery.

4. If any person commits any of the offences following; that is to say,

(1.) Prints any copy of any proclamation, order, or regulation which falsely purports to have been printed by the government printer, or to be printed under the authority of the legislature of any British colony or possession, or tenders in evidence any copy of any proclamation, order, or regulation which falsely purports to have been printed as aforesaid, knowing that the same was not so printed; or

(2.) Forges or tenders in evidence, knowing the same to have been forged, any certificate by this Act authorized to be annexed to a copy of or extract from any proclamation, order, or regulation;

he shall be guilty of felony, and shall on conviction be liable to be sentenced to penal servitude for such term as is prescribed by the Penal Servitude Act, 1864,(1) as the least term to which an offender can be sentenced to penal servitude or to be imprisoned for any term not exceeding two years, with or without hard labour.

Definition of terms.

5. The following words shall in this Act have the meaning herein-after assigned to them, unless there is something in the context repugnant to such construction; (that is to say,)

"British colony and possession:"

"British colony and possession" shall for the purposes of this Act include the Channel Islands, the Isle of Man, and such territories as may for the time being be vested in her Majesty by virtue of any Act of Parliament for the government of India and all other her Majesty's dominions:

"Legislature:"

"Legislature" shall signify any authority other than the Imperial Parliament or her Majesty in council competent to make laws for any colony or possession:

"Privy council:"

"Privy council" shall include her Majesty in council and the lords and others of her Majesty's privy council, or any of them, and any committee of the privy council that is not specially named in the schedule hereto:

(1) 27 & 28 Vict. c. 47.

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"Government printer:" "Government printer" shall mean and include the printer to her Majesty and any printer purporting to be the printer authorized to print the statutes, ordinances, Acts of State, or other public Acts of the legislature of any British colony or possession, or otherwise to be the government printer of such colony or possession:

"Gazette." "Gazette" shall include the London Gazette, the Edinburgh Gazette, and the Dublin Gazette, or any of such gazettes.

Act to be cumulative. **6.** The provisions of this Act shall be deemed to be in addition to, and not in derogation of, any powers of proving documents given by any existing statute or existing at common law.

SCHEDULE.

Column 1. Name of department or officer.	Column 2. Names of certifying officers.
The commissioners of the Treasury.	Any commissioner, secretary, or assistant secretary of the Treasury.
The commissioners for executing the office of lord high admiral.	Any of the commissioners for executing the office of lord high admiral or either of the secretaries to the said commissioners.
Secretaries of state.	Any secretary or under-secretary of state.
Committee of Privy Council for Trade.	Any member of the committee of Privy Council for Trade or any secretary or assistant secretary of the said committee.
The poor law board.	Any commissioner of the poor law board or any secretary or assistant secretary of the said board.

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31 & 32 Victoria.—A.D. 1868.

Cap. XLV.

An Act to carry into effect a Convention between Her Majesty and the Emperor of the French concerning the Fisheries in the Seas adjoining the British Islands and France, and to amend the Laws relating to British Sea Fisheries.(1) [13th July 1868.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

Preliminary.

Division of Act.

1. This Act shall be divided into parts as follows:
Part I. Preliminary.
Part II. Sea Fishery Convention.
Part III. Oyster Fisheries.
Part IV. Legal Proceedings.
Part V. Miscellaneous.

Short title.

2. This Act may be cited as the Sea Fisheries Act, 1868.

Commencement of Act.

[**3.**(2) This Act shall (except as is in this Act expressly otherwise provided) come into force on such day as may be fixed by a notice in that behalf published in the London Gazette, which day is in this Act referred to as the commencement of this Act.

Continuance of Act as herein stated.

4. So much of this Act as relates to French subjects or French sea-fishing boats outside of the exclusive fishery limits of the British Islands, and as gives powers to French sea-fishery officers, shall, on the determination of the convention set out in the first schedule to this Act, cease to apply to French subjects, boats, and officers; but, subject as aforesaid, this Act shall continue in force notwithstanding the determination of that convention.]

Interpretation of terms: "Sea-fish:"

5. In this Act
The term "sea-fish" does not include salmon, as defined by any Act relating to salmon, but, save as aforesaid, includes

(1) For Sea Fisheries Acts, *see* the Sea Fisheries Act, 1883, 46 & 47 Vict. c. 22., *post*, the Sea Fisheries Act (Scotland) Amendment Act, 1885, 48 & 49 Vict. c. 70., *post*, and *see also* as to Newfoundland Fisheries, 59 Geo. 3. c. 38., p. 31, *ante*.
The repealing section, 46 & 47 Vict. c. 22. s. 30., *post*, together with schedule 2., Part II. of that Act, should be specially studied in order to understand the effect of its provisions in respect of the sections of this Act provisionally repealed thereby.
(2) Sects. 3. and 4. rep. provisionally, 46 & 47 Vict. c. 22. s. 30.

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every description both of fish and of shell fish which is found in the seas to which this Act applies; and "sea-fishing," "sea-fisherman," and other expressions referring to sea-fish shall in this Act be construed to refer only to sea-fish as before defined:

"Sea-fishing boat:" The term "sea-fishing boat" includes every vessel of whatever size, and in whatever way propelled, which is used by any person in sea-fishing, or in carrying on the business of a sea-fisherman:

"British Islands:" The term "British Islands" includes the United Kingdom of Great Britain and Ireland, the Isle of Man, the islands of Guernsey, Jersey, Alderney, and Sark, and their dependencies; and the terms "Great Britain and Ireland" and "United Kingdom," as used in the first schedule to this Act, shall be construed to mean the "British Islands" as herein defined:

"Exclusive fishery limits:" The terms "exclusive fishery limits of the British Islands" and "exclusive fishery limits of France" mean the limits within which the exclusive right of fishing is by article one of the first schedule to this Act reserved to British subjects and French subjects respectively:

"Consular officer:" [(1)The term "consular officer" includes consul general, consul, and vice-consul, and any person for the time being discharging the duties of consul general, consul, or vice-consul; and the term "consular agent" in the first schedule to this Act shall be construed to mean consular officer:]

"Court:" The term "court" includes any tribunal or magistrate exercising jurisdiction under this Act:

"Person:" The term "person" includes a body corporate:

"The Irish fishery commissioners." The term "the Irish fishery commissioners" means the commissioners acting in execution of the Act of the session of the fifth and sixth years of the reign of her present Majesty, chapter one hundred and six, intituled "An Act to regulate the Irish fisheries," and the Acts amending the same.

PART II.

CONVENTION AND FISHERIES.

General Provisions.

Confirmation of convention. [6.(2) The convention set out in the first schedule to this Act (referred to in this Act as the convention) is hereby confirmed, and the articles thereof and the declaration thereto annexed shall be of the same force as if they were enacted in the body of this Act.

(1) Rep. provisionally, 46 & 47 Vict. c. 22. s. 30.
(2) Sects. 6. to 16. rep. provisionally, 46 & 47 Vict. c. 22. s. 30.

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Power to her Majesty, by orders in council, to make, &c. regulations for execution of Act and maintenance of order.

7. It shall be lawful for her Majesty from time to time, by order in council, to make, alter, and revoke regulations for carrying into execution this Act and the intent and object thereof, and for the maintenance of good order among sea-fishing boats, and the persons belonging thereto, and to impose penalties not exceeding ten pounds for the breach of such regulations.

Who are to be sea-fishery officers.

8. The following persons shall have authority to enforce the provisions of this Act and of any order in council made thereunder; namely, every officer of or appointed by the Board of Trade, every commissioned officer of any of her Majesty's ships on full pay, every British consular officer, every collector and principal officer of customs in any place in the British Islands, every inspecting commander of the coast guard, every principal officer of a coast guard station, and every commander of any vessel belonging to the French government, and every person appointed by the French government to superintend the fisheries referred to in the convention; and such persons are in this Act referred to as sea-fishery officers.

Powers of sea-fishery officers.

9. A sea-fishery officer,(1) for the purpose of enforcing the provisions of this Act and of any order in council made thereunder, may, with respect to any sea-fishing boat within the exclusive fishery limits of the British Islands, and with respect to any British or French sea-fishing boat outside of those limits, in the seas to which this Act applies, exercise the following powers:

(1.) He may go on board it:

(2.) He may require the owner, master, and crew, or any of them, to produce any certificates of registry, licences, official logbooks, official papers, articles of agreement, muster rolls, and other documents relating to the boat or to the crew, or to any member thereof, or to any person on board the boat, which are in their respective possession or control on board the boat, and may take copies thereof or of any part thereof:

(3.) He may muster the crew of the boat:

(4.) He may require the master to appear and give any explanation concerning his boat and her crew, and any person on board his boat, and the said certificates of registry, licences, official logbooks, official papers, articles of agreement, muster rolls, and other documents, or any of them:

(5.) He may examine all sails, lights, buoys, barrels, floats, nets, and implements of fishing belonging to the boat:

(6.) He may make any examination and inquiry which he deems necessary to ascertain whether the provisions of this Act, or of any order in council, made thereunder, are complied with:

(1) *See* preceding section for meaning of "sea-fishery officer."

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(7.) He may, in the case of any person who has committed any of the acts constituted offences by this part of this Act, or by any order in council made thereunder, without summons, warrant, or other process, both take the offender and the boat to which he belongs, and the crew thereof, to the nearest or most convenient port, and bring him or them before a competent court, and, subject to article twenty-seven of the convention, detain him, it, and them in the port until the alleged offence has been adjudicated upon.(1)

Protection of fishery officers.

10. A sea-fishery officer shall be entitled to the same protection in respect of any action or suit brought against him for any act done or omitted to be done in the execution of his duty under this Act as is given to any officer of customs by the Customs Consolidation Act, 1853,(2) and (with reference to the seizure or detention of any ship) by any Act relating to the registry(3) of British ships.

Fishery Regulations.

Penalty on obstructing or disobeying sea-fishery officer.

11. If any person obstructs any sea-fishery officer in acting under the powers conferred by this Act, or refuses or neglects to comply with any requisition or direction lawfully made or given, by, or to answer any question lawfully asked by, any sea-fishery officer in pursuance of this Act, such person shall be deemed to have committed an offence against the fishery regulations of this Act.

As to violation of article 11 of convention.

12. If any person belonging to a sea-fishing boat which is either British or French acts in contravention of article eleven of the first schedule to this Act, such person shall be deemed to have committed an offence against the fishery regulations of this Act.

As to violation of articles 12, 15, 16, 17, 19, 20, and 21 of convention.

13. If within the exclusive fishery limits of the British Islands any person, or if outside of those limits any person belonging to a sea-fishing boat which is either British or French, acts in contravention of articles twelve, fifteen, sixteen, seventeen, nineteen, twenty, and twenty-one of the first schedule to this Act, or any of them, or causes injury to any person in any one or more of the following ways, namely, by assaulting any one belonging to another sea-fishing boat, or by causing damage to another sea-fishing boat, or to any property on board thereof or belonging thereto, such person shall be deemed to have committed an offence against the fishery regulations of this Act.

Penalty for offences.

14. Every person who has committed an offence against the fishery regulations of this Act within the exclusive fishery limits

(1) *See* Sea Fisheries Act, 1883 (46 & 47 Vict. c. 22.), s. 12., *post.*
(2) 16 & 17 Vict. c. 107. ss. 313.–323., p. 147, *ante.*
(3) *See* Merchant Shipping Act, 1854 (17 & 18 Vict. c. 104.), s. 104., p. 179, *ante.*

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of the British Islands, and every person belonging to a British sea-fishing boat who has committed an offence against those regulations outside of those limits, shall be liable to a penalty of not less than eight shillings and not more than fifty pounds, or, in the discretion of the court, to imprisonment for not less than two days and not more than three months, with or without hard labour.

If the offence is one by which some injury has been caused in any of the ways before mentioned the court may order the offender to pay in addition to any penalty a reasonable sum as compensation to the person injured, which sum may be recovered in the same manner as a penalty under this Act.

Offender belonging to a French boat to be sent back to France.

15. Where a person belonging to a French sea-fishing boat has committed, outside of the exclusive fishery limits of the British Islands, an offence against the fishery regulations of this Act, he shall, after the evidence is taken as provided by this Act, be sent back to France for trial.

Exclusive Fishery Limits.

Penalties for violation of exclusive limits.

16. If any person belonging to a French sea-fishing boat acts in contravention of articles thirty-two, thirty-three, and thirty-five of the first schedule to this Act, or any of them, the master or person for the time being in charge of such boat shall be liable for the first offence to a penalty not exceeding ten pounds; for the second or any subsequent offence to a penalty not exceeding twenty pounds.

And the court may order that in default of payment of any such penalty the boat to which the offender belongs may be detained in some port of the British Islands for a period not exceeding three months from the date of the sentence inflicting the penalty.]

Entry of Boats and Sale of Fish.

As to suspension of article 31 of convention.

17. Article thirty-one of the convention and the declaration annexed to the convention shall not come into force until such day as may be fixed in that behalf by a notice published in the London Gazette.

Power to commissioners of customs to make regulations respecting report and entry of sea-fishing boats.

18. The commissioners of her Majesty's customs may from time to time make, alter, and revoke regulations for carrying into effect article thirty-one of the convention, and respecting the report of British sea-fishing boats which have visited foreign ports, and of sea-fishing boats which are not British, and respecting the entry and landing of fish taken by sea-fishing boats which are not British, or respecting any of such matters, and may for such purpose alter and dispense with all or any of the regulations and enactments relating to the aforesaid matters which are contained in this or any other Act, or are otherwise from time to time in force.

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The regulations so made shall be deemed to be regulations within the meaning of section [one hundred and seventy of the Customs Consolidation Act, 1876].(1)

As to the sale of fish.

19. After the commencement of this Act all restrictions whatever, in England, on the sale of sea-fish, as defined by this Act, which is not diseased, unsound, unwholesome, or unfit for the food of man, shall be abolished.

Lights.

As to violation of articles 13 and 14 of convention.

[**20.**(2) Articles thirteen and fourteen of the first schedule to this Act shall, as to all sea-fishing boats within the exclusive fishery limits of the British Islands, and as to British sea-fishing boats outside of these limits, have the same force as if they were regulations respecting lights within the meaning of the Acts relating to merchant shipping, with this addition, that any sea-fishery officer shall have the same powers of enforcing such regulations as are given to any officer by such Acts, and any infringement of the regulations contained in articles thirteen and fourteen shall be deemed an offence within the meaning of the portion of this Act which gives power to sea-fishery officers.

Article 22 to be deemed included in term "wreck."

21. The boats and articles specified in article twenty-two of the first schedule to this Act shall be deemed to be included in the term "wreck"(3) as used in any Act relating to merchant shipping.]

Registry of Sea-Fishing Boats.

As to entry or registry of British sea-fishing boat.

22. Subject to any exemptions allowed by or in pursuance of any order in council made as herein-after mentioned, every British sea-fishing boat shall, as required by articles(4) four, five, six, seven, and eight of the convention, be lettered and numbered(5) and have official papers, and shall for that purpose be entered or registered in a register for sea-fishing boats.

A British sea-fishing boat which is required to be entered or registered in pursuance of this part of this Act, but is not so entered or registered, shall not be entitled to any of the privileges or advantages of a British sea-fishing boat, but all obligations, liabilities, and penalties with reference to such boat, and the punishment of offences committed on board her, or by any persons belonging to her, and the jurisdiction of officers and courts, shall be the same as if such boat were actually so entered or registered.

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(1) *See* Sea Fisheries Act, 1883 (46 & 47 Vict. c. 22.), s. 27., *post*.

(2) Sects. 20., 21., repealed provisionally, 46 & 47 Vict. c. 22. s. 30., *post*.

(3) *See* the Merchant Shipping Act, 1854 (17 & 18 Vict. c. 104.), s. 2., p. 162, *ante*.

(4) *See* Sea Fisheries Act, 1883 (46 & 47 Vict. c. 22.), s. 8., *post*, which makes this section refer to articles 5–12 inclusive, of 1st schedule of Sea Fisheries Act, 1883.

(5) Fishing vessels thus numbered are exempted from the operation of 36 & 37 Vict. c. 85. s. 3., *post*, by that section.

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If any British sea-fishing boat required to be entered or registered in pursuance of this part of this Act, and not being so entered or registered, is used as a sea-fishing boat in the seas to which this Act applies, the owner and the master of such boat shall each be liable to a penalty not exceeding twenty pounds; and any sea-fishery officer may seize and detain such boat and prevent it from going to sea and from sea-fishing until it is duly entered or registered, and may for that purpose, if it is at sea, take it back into the nearest or most convenient port in the British Islands.

Power to her Majesty in council to provide for registry of British sea-fishing boats.

23. It shall be lawful for her Majesty by order in council from time to time to do all or any of the following things; namely,

(*a.*) To make regulations for carrying out, enforcing, and giving effect to both the entry and registry of British sea-fishing boats, and also articles four, five, six, seven, and eight of the first schedule to this Act: (1)

(*b.*) To adopt in such regulations any existing system of registry or lettering and numbering of boats, and to provide for bringing any such system into conformity with the requirements of the convention and this Act, and with the said regulations:

(*c.*) To define the boats or classes of boats to which such regulations or any of them are to apply, and to provide for the exemption of any boats or classes of boats from such regulations or any of them, and from the provisions of this part of this Act with respect to entry or registry and the possession of a certificate of registry and official papers:

(*d.*) To apply to the entry and registry respectively of sea-fishing boats so defined, and to all matters incidental thereto, such (if any) of the enactments contained in any Act relating to the registry of British ships, and with such modifications and alterations as may be found desirable:

(*e.*) To impose penalties not exceeding twenty pounds for the breach of any regulations made by any order in council, for the breach of which a punishment cannot be provided by the application of the enactments contained in any Act relating to the registry of British ships:

(*f.*) To alter and revoke an order so made:

And every such order shall be of the same force as if it were enacted in this Act.

As to effect of registry.

24. In all proceedings against the owner or master of or any person belonging to any boat registered or entered in the register for sea-fishing boats for offences against the fishery regulations or regulations as to lights in this Act, and in all actions or suits for the recovery of damages for injury done by any such boat,

(1) *See* Sea Fisheries Act, 1883 (46 & 47 Vict. c. 22.), s. 8., *post*.

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such register, or the register under any Act relating to the registry of British ships as to boats registered therein, shall be conclusive evidence that the persons registered at any date as owners of such boat were at that date owners thereof, and that the boat is a British sea-fishing boat: Provided that—

(1.) This provision shall not prevent any proceedings, action, or suit being taken or instituted against any person not registered who is beneficially interested in the boat:

(2.) This provision shall not affect the rights of the owners among themselves, or the rights of any registered owner against any person not registered who is beneficially interested in the boat:

(3.) Save as aforesaid, entry or registry in the register for sea-fishing boats shall not confer, take away, or affect any title to or interest in any sea-fishing boat.(1)

Sect. 207. of 16 & 17 Vict. c. 107. not to apply to certain boats.

[**25.** The two hundred and seventh section of the Customs Consolidation Act, 1853,(2) shall not apply to any British sea-fishing boat entered or registered in pursuance of this part of this Act.(3)]

Sea-fishing boats within exclusive limits to have official papers.

26. Subject to any exemptions allowed by or in pursuance of such order in council, the master of every sea-fishing boat within the exclusive fishery limits of the British Islands, and of every British sea-fishing boat outside of those limits, shall have on board his boat, if it is a British sea-fishing boat required by this part of this Act to be entered or registered, the certificate of registry or official papers issued to the boat in pursuance of any Act relating to the registry of British ships, or of this part of this Act, and if it is not British, then official papers evidencing the nationality of such boat.

The master of any such boat who acts in contravention of this section, unless there is a reasonable cause for not having such certificate or official papers (proof whereof shall lie on him), shall be liable, together with his boat and crew, to be taken by any sea-fishery officer, without warrant, summons, or other process, into the nearest or most convenient port, and there to be ordered by the court, on any proceeding in a summary manner, to pay a penalty not exceeding twenty pounds, and if such penalty is not paid, and the boat is not British, such boat may be detained in port for a period not exceeding three months from the date of the sentence.(1)

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(1) *See* Sea Fisheries Act, 1883 (46 & 47 Vict. c. 22.), s. 8., *post.*

(2) Sect. 207. of the Act 16 & 17 Vict. c. 107. is repealed by 39 & 40 Vict. c. 36. s. 288., but its provisions are re-enacted in substance in sect. 176. of that Act. *See* 39 & 40 Vict. c. 36. s. 176., *post.*

(3) Repealed (from the commencement of the repealing Act) by 46 & 47 Vict. c. 22. s. 30., *post.* This Act (the repealing Act) is to come into force on such day as may be fixed by a notice published in the *London Gazette*, which day is in the repealing Act referred to as the commencement of this Act. *See* 46 & 47 Vict. c. 22. s. 29., *post.*

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PART III.

OYSTER FISHERIES.

Preliminary.

Part III. not to apply to places herein stated.

27. This part of this Act shall not interfere with the jurisdiction or powers now possessed by the Irish fishery commissioners with regard to oyster fisheries, and shall not apply to Ireland, the Isle of Man, or the islands of Guernsey, Jersey, Alderney, or Sark, or their dependencies, or to the seas adjoining the same, within the exclusive fishery limits of the British Islands, or to any seas outside of those exclusive fishery limits.

Interpretation of certain terms.

28. In this part of this Act the words "oysters" and "mussels" respectively include the brood, ware, half-ware, spat, and spawn of oysters and mussels respectively.

In this part of the Act the expression "oyster and mussel fishery" includes a fishery for either oysters or mussels separately, and the term "oyster or mussel fishery" includes a fishery for both oysters and mussels; and the provisions of this part of this Act shall be construed to apply in the case of any fishery to oysters and oyster ground and beds alone, or to mussels and mussel ground and beds alone, or to both oysters and mussels and oyster and mussel ground and beds, according as the right of fishery is for oysters alone, or for mussels alone, or for both oysters and mussels.

Order for Fishery.

Power to Board of Trade on memorial to make order for oyster fishery.

29. An order for the establishment or improvement, and for the maintenance and regulation, of an oyster and mussel fishery on the shore and bed of the sea, or of an estuary or tidal river, above or below, or partly above and partly below, low-water mark (which shore and bed are in this part of this Act referred to as the sea shore),(1) and including, if desirable, provisions for the constitution of a board or body corporate for the purpose of such order, may be made under this part of this Act, on an application by a memorial in that behalf presented to the Board of Trade by any persons desirous of obtaining such an order (which persons are in this part of this Act referred to as the promoters).

PART IV.

LEGAL PROCEEDINGS.

Mode of recovering penalties.

57. All penalties, offences, and proceedings under this Act, or under any order in council made thereunder, (except any felony,

(1) *See* Crown Lands Act, 1885 (48 & 49 Vict. c. 79.), s. 3., *post*.

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and except as otherwise provided,) may be recovered, prosecuted, and taken in a summary manner, and—

In England, before any justice, and

In Scotland, before any court or judge acting under the Summary Procedure Act, 1864, and any Act amending the same, in manner directed by those Acts, and

In the Isle of Man, and the islands of Guernsey, Jersey, Alderney, and Sark respectively, before any court, governor, deputy governor, deemster, jurat, or other magistrate, in the manner in which the like penalties, offences, and proceedings are by law recovered, prosecuted, and taken, or as near thereto as circumstances admit.

Appeal.

58. If any person feels aggrieved by any conviction under this Act, or by any determination or adjudication of the court with respect to any compensation under this Act, where the sum adjudged to be paid exceeds five pounds, or the period of imprisonment adjudged exceeds one month, he may appeal therefrom in manner following; (that is to say,)

In England, * * * * * to some court of general or quarter sessions:

* * * * * * *

In Ireland, in manner directed by the Petty Sessions, Ireland, Act, 1851, and any Act amending the same:

In Scotland, the Isle of Man, and the islands of Guernsey, Jersey, Alderney, and Sark, in manner in which appeals from the like convictions and determinations and adjudications are made.

Proceedings where offender belongs to a French boat.

[**59.**(1) Where a person belonging to a French sea-fishing boat is charged with having committed outside of the exclusive fishery limits of the British Islands an offence against the fishery regulations of this Act, the court shall have jurisdiction to hear and shall hear the case in the same manner as if such person were liable to a penalty under this Act, subject to the following provisions:

(1.) The statement on oath of each witness shall be put into writing, and such writing, in this Act referred to as the deposition, shall (in the presence of the accused, unless he has left the port,) be read over to and signed by the witness and by the person or one of the persons who constitute the court:

(2.) After the examination of all the witnesses has been completed the court shall inquire whether the accused has any answer to make to the accusation, and shall warn him that what he says may be given in evidence against him:

(3.) Any statement made by the accused shall be put into writing, and signed by the person or persons constituting the court, and added to the depositions:

(1) Sect. 59. is repealed provisionally by 46 & 47 Vict. c. 22. s. 30., *post.*

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(4.) If the court is of opinion that the evidence is not sufficient to put the accused upon his trial, or to raise a strong or probable presumption of his guilt, the court shall order him to be discharged. If the court is of the contrary opinion, the court shall make an order directing him to be sent back to France for trial, and directing the depositions to be sent to the collector of customs of the port for transmission to the British consular officer of the port to which the accused belongs:

(5.) All proceedings under this section shall, if possible, be completed before the expiration of three clear days after the arrival of the offender at the port in the British Islands.]

Jurisdiction of courts.

60. For the purpose of giving jurisdiction to courts under this Act the following provisions shall have effect:

(1.) A sea-fishing boat shall be deemed to be a ship within the meaning of any Act relating to offences committed on board a ship:

(2.) The same court shall have power to exercise the jurisdiction conferred by this Act with respect to an offence committed by a foreign subject as would have jurisdiction to try such offence if it had been committed by a British subject.

Evidence taken in France.

[**61.**(1) If any offender belonging to a British sea-fishing boat is taken into a French port in pursuance of the convention, the depositions, minutes, and other documents, authenticated in manner provided by article twenty-eight of the convention, shall be receivable in evidence without further proof of their authenticity, and a certificate under the seal of a French consular officer in the British Islands that such documents have been so authenticated shall be conclusive evidence of the fact.

If the depositions were taken in the presence of and so as to be understood by the accused, or if the accused had an opportunity of cross-examining the deponents, or if the minutes are minutes of a judicial proceeding at which the British consular officer of the port was present, and in which the matter in dispute was fairly investigated, and the accused had an opportunity of making his defence, the British consular officer shall certify such fact or facts under his hand and seal, and until the contrary is proved such certificate shall be sufficient evidence of the matters therein stated, and such seal, signature, and certificate shall be deemed to be a seal, signature, and document within the meaning of sections three and five of the Act of the session of the eighteenth and nineteenth years of the reign of her present Majesty, chapter forty-two, intituled "An Act to enable diplomatic and consular "agents abroad to administer oaths and do notarial acts."]

(1) Sect. 61. is repealed provisionally by 46 & 47 Vict. c. 22. s. 30., *post*.

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Service to be good if made personally or on board ship.

62. Service of any summons or other matter in any legal proceeding under this Act shall be good service if made personally on the person to be served, or at his last place of abode, or if made by leaving such summons for him on board any sea-fishing boat to which he may belong, with the person being or appearing to be in command or charge of such boat.

Masters of boats liable to penalties imposed.

[**63.**(1) Where any offence against the fishery regulations of this Act has been committed by some person belonging to any sea-fishing boat, the master or person for the time being in charge of such boat shall in every case be liable to pay any penalty imposed or compensation awarded in respect of such offence, unless the person who actually committed such offence is proved guilty to the satisfaction of the court.]

Any penalty under this Act, except a penalty for the non-payment of which detention in a port is specially provided as the remedy, may be recovered in the ordinary way, or, if the court think fit so to order, by distress or pointing and sale of the sea-fishing boat to which the offender belongs, and her tackle, apparel, and furniture, and any property on board thereof or belonging thereto, or any part thereof.

Application of penalties.

64. The court imposing any penalty or enforcing any forfeiture under this Act may, if it think fit, direct the whole or any part thereof to be applied in or towards payment of the expenses of the proceedings; and, subject to such direction, and to any direction given under any express provision in this Act, all penalties and forfeitures recovered under this Act shall be paid into the receipt of her Majesty's Exchequer in such manner as the commissioners of the Treasury may direct, and shall be carried to the consolidated fund.

Saving of rights as herein stated.

65. Nothing in this Act shall prevent any person being liable under any other Act or otherwise to any indictment, proceeding, punishment, or penalty, other than is provided for any offence by this Act, so that no person be punished twice for the same offence.

Nothing in this Act, or in any order in council made thereunder, nor any proceedings under such Act or order with respect to any matter, shall alter the liability of any person in any action or suit with reference to the same matter, so that no person shall be required to pay compensation twice in respect of the same injury.

PART V.

MISCELLANEOUS.

Confirmation of treaties for exempting from dues

66. Whereas by a convention concluded between the United Kingdom and France on the twenty-sixth day of January one thousand eight hundred and twenty-six it was, amongst other

(1) Sect. 63. (in part) is provisionally repealed by 46 & 47 Vict. c. 22. s. 30., *post*.

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matters, agreed that sea-fishing boats of either country, when forced by stress of weather to seek shelter in the ports or on the coasts of the other country, should on certain conditions be exempted from all dues to which they would otherwise be liable, and doubts have arisen whether that part of the said convention has ever been confirmed by the authority of Parliament, and it is expedient to remove such doubts, and to enable her Majesty to provide for the due execution of the said convention and of any other like convention or treaty which may be made by her Majesty: Be it enacted, that where any such convention or treaty as mentioned in this section has been or may hereafter be concluded with any foreign country, her Majesty may by order in council direct that every sea-fishing boat belonging to such foreign country, when forced by stress of weather to seek shelter in any port or place in the British Islands, shall, if it does not discharge or receive on board any cargo, and complies with the other conditions, if any, specified in such order, be exempt from all dues, tolls, rates, taxes, duties, imposts, and other charges to which it would otherwise be liable in such port or place, and every such boat shall be exempt accordingly.

Foreign sea-fishing boats entering British ports from stress of weather.

67. The Irish fishery commissioners may from time to time lay before her Majesty in council byelaws for the purpose of restricting or regulating the dredging for oysters on any oyster beds or banks situate within the distance of twenty miles measured from a straight line drawn from the eastern point of Lambay Island to Carnsore Point on the coast of Ireland, outside of the exclusive fishery limits of the British Islands, and all such byelaws shall apply equally to all boats and persons on whom they may be binding.

Regulations for oyster fisheries off the Irish Coast.

It shall be lawful for her Majesty, by order in council, to do all or any of the following things; namely,

(*a*) To direct that such byelaws shall be observed:

(*b*) To impose penalties not exceeding twenty pounds for the breach of such byelaws:

(*c*) To apply to the breach of such byelaws such (if any) of the enactments in force respecting the breach of the regulations respecting Irish oyster fisheries within the exclusive fishery limits of the British Islands, and with such modifications and alterations as may be found desirable:

(*d*) To revoke or alter any order so made.

Provided that the length of close time prescribed by any such order shall not be shorter than that prescribed for the time being by the Irish fishery commissioners in respect of beds or banks within the exclusive fishery limits of the British Islands.

Every such order shall be binding on all British sea-fishing boats, and on any other sea-fishing boats in that behalf specified in the order, and on the crews of such boats.

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Regulation as to seine-fishing in Cornwall.

68. On the coast of Cornwall, except so much of the north coast as lies to the east of Trevose Head, no person between the twenty-fifth of July and twenty-fifth of November in any year—

(*a*) shall, from sunrise to sunset, within the distance of two miles from the coast, measured from low-water mark (whether in bays or not), use a drift net or trawl net, or

(*b*) shall, within half a mile of any sea-fishing boat stationed for seine-fishing, anchor any sea-fishing or other boat (not being a boat engaged in seine-fishing), or lay, set, or use any net, boulter, or implement of sea-fishing (except for the purpose of seine-fishing):

Any person who acts in contravention of this section shall be liable on summary conviction to a penalty not exceeding twenty pounds, which may be recovered in the same manner as a penalty for an offence against the fishery regulations of this Act.

As to publication and evidence of orders in council.

69. With respect to any orders in council made in pursuance of this Act, the following provisions shall have effect:

(1.) They shall be published in the London Gazette, or otherwise published in such manner as the Board of Trade may direct for such sufficient time before they come into force as to prevent inconvenience:

(2.) They may be proved in any legal proceeding by the production of a copy of the gazette containing the said advertisement, or of a copy of the orders or regulations purporting to be printed by the printer to her Majesty.

Application of Act.

70. The enactments in this Act which are restricted in terms to the seas outside the exclusive fishery limits of the British Islands or to any particular part of the British Islands and the seas adjoining the same shall apply only to those seas and such part, but, save as aforesaid, this Act shall apply to the seas adjoining the coasts of France specified in article three of the first schedule to this Act outside of the exclusive fishery limits of France, and to the whole of the British Islands as defined by this Act, and to the seas surrounding the same, whether within or without the exclusive fishery limits of the British Islands, and the royal courts of Guernsey and Jersey shall register this Act in their respective courts.

Provided that nothing in this Act relating to oyster or mussel fisheries, or to oysters or mussels, shall in any way whatever alter, interfere with, or affect the jurisdiction which the Irish fishery commissioners would have power to exercise over the seas surrounding Ireland and over the oyster fisheries and oyster beds in those seas if this Act had not passed.

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SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

CONVENTION between HER MAJESTY and the EMPEROR OF THE FRENCH, relative to FISHERIES in the SEAS between GREAT BRITAIN and FRANCE.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and his Majesty the Emperor of the French, having charged a mixed commission with preparing a revision of the convention of the 2nd of August 1839, and of the regulation of June 23, 1843, relative to the fisheries in the seas situated between Great Britain and France; and the members of that commission having agreed upon certain arrangements which experience has shown would be useful, and which appear to them such as will advantageously modify and complete the former arrangements in the common interest of the fishermen of the two countries; their said Majesties have judged it expedient that the arrangements proposed by the said commission should be sanctioned by a new convention, and have for that purpose named as their plenipotentiaries, that is to say,

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Richard Bickerton Pemell, Lord Lyons, a peer of the United Kingdom, a member of her Britannic Majesty's most honourable privy council, knight grand cross of the most honourable order of the Bath, her Britannic Majesty's ambassador extraordinary and plenipotentiary to his Majesty the Emperor of the French;

And his Majesty the Emperor of the French, Leonel, Marquis de Moustier, grand cross of the imperial order of the legion of honour, &c. &c. &c., his minister and secretary of state for foreign affairs;

Who, after having communicated to each other their full powers, found in good and due form, have agreed upon and concluded the following articles:—

[ARTICLE I.(1)

British fishermen shall enjoy the exclusive right of fishery within the distance of three miles from low-water mark, along the whole extent of the coasts of the British Islands; and French fishermen shall enjoy the exclusive right of fishery within the distance of three miles from low-water mark along the whole extent of the coast of France; the only exception to this rule being that part of the coast of France which lies between Cape Carteret and Point Meinga.

The distance of three miles fixed as the general limit for the exclusive right of fishery upon the coasts of the two countries shall, with respect to bays, the mouths of which do not exceed ten miles in width, be measured from a straight line drawn from headland to headland.

The miles mentioned in the present convention are geographical miles, whereof sixty make a degree of latitude.

ARTICLE II.

It is agreed that the lines drawn between the points designated by the letters A, B, C, D, E, F, G, H, I, K, on the chart annexed to the present convention, and signed by the respective plenipotentiaries, shall be acknowledged by the high contracting parties, as defining from Point Meinga to Cape Carteret, the limits between which and the

(1) Articles I.–III. provisionally repealed by 46 & 47 Vict. c. 22. s. 30., *post.*

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French shore the right of fishery shall be reserved exclusively to French fishermen, and these lines are as follows; that is to say,

The first line runs from the point A, three miles from low-water mark (Point Meinga bearing south) to the point B, of which the landmarks are Agon Tower on with the clump of trees upon Mount Huchon, and the summit of Gros Mont in a line with the semaphore on Grand Isle.

The second line runs from the said point B towards Agon Tower and the clump of trees upon Mount Huchon, in the direction north sixty-four degrees east, until, at the point C, it brings the windmill of Lingreville to bear due east.

The third line runs from point C due east towards Lingreville windmill, until the Grand Huguenant is brought to bear on the Etat rock at point D.

The fourth line runs from point D northward (keeping the Grand Huguenant in one with the Etat rock) until it intersects at E a line whose landmarks are Agon Tower on with Coutances Cathedral.

The fifth line runs eastward from point E to point F, where the steeple of Pirou is brought to bear in a line with the Sennequet lighthouse.

The sixth line runs from point F due north to point G, where the steeple of Blainville is brought in a line with the Sennequet lighthouse.

The seventh line runs from point G in the direction of Pirou steeple to point H, where the lighthouse on Cape Carteret bears north twenty-four degrees west.

The eighth line runs from point H to point I nearly abreast of Port Bail; point I having for landmarks the fort of Port Bail in a line with the steeple of Port Bail.

And finally, the ninth line runs from point I to the Three Grunes at point K, where Cape Carteret bears east ten degrees north, in a line with Barneville steeple.

It is further agreed that all the bearings specified in the present article are to be taken according to the true meridian, and not according to the magnetic meridian.

ARTICLE III.

The arrangements of the present convention shall apply beyond the fishery limits of both countries, as defined by the preceding articles, to the seas surrounding and adjoining Great Britain and Ireland and adjoining the coasts of France between the frontiers of Belgium and Spain. The rules respecting oyster fishery shall, however, be observed only in the seas comprised within the limits herein-after described.]

ARTICLE IV.

All British and French fishing boats shall be lettered and numbered.

In the United Kingdom there shall be a series of numbers for the fishing boats belonging to each collectorship of customs, and in France a series of numbers for the fishing boats belonging to each district of maritime registry; and to these numbers shall be prefixed a letter (or letters) to be designated by the board of customs in the United Kingdom, and by the ministry of marine in France.

ARTICLE V.

The letter (or letters) and number shall be placed on each bow of the boat, 3 or 4 inches (8 or 10 centimetres French) below the gunwale, and they shall be painted in white oil colour on a black ground.

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For boats of 15 tons burthen and upwards the dimensions of the letters and numbers shall be 18 inches (45 centimetres French) in height, and 2½ inches (6 centimetres French) in breadth.

For boats of less than 15 tons burthen, the dimensions shall be 10 inches (25 centimetres French) in height, and 1¾ inches (4 centimetres French) in breadth.

The same letter (or letters) and number shall also be painted on each side of the mainsail of the boat, in black oil colour on white sails, and white oil colour on tanned or black sails. Such letter (or letters) and number on the sails shall be one-third larger in every way than those placed on the bows of the boat.

The name of each fishing boat, and that of the port to which she belongs, shall be painted in white oil colour on a black ground on the stern of the boat, in letters which shall be at least 3 inches (8 centimetres French) in height and ½ inch (12 millimetres French) in breadth.

The letters, numbers, and names placed on the boats and on their sails shall not be effaced, covered, or concealed in any manner whatsoever.

ARTICLE VI.

All the buoys, barrels, and principal floats of each net, and all other implements of fishery, shall be marked with the same letter (or letters) and number as those of the boats to which they belong.

These letters and numbers shall be large enough to be easily distinguished. The owners of the nets or other fishing implements may further distinguish them by any private marks they judge proper.

ARTICLE VII.

The letters and numbers of British fishing boats shall, after having been entered in the registry book kept at the collectorship of customs, be inserted on the licences or other official papers of those boats.

The letters and numbers of French fishing boats shall, after having been entered in the registry book kept at the maritime registry office, be inserted on the muster rolls of those boats.

ARTICLE VIII.

The licences or other official papers of British fishing boats, and the muster rolls of French fishing boats, shall contain the description and tonnage of each boat, as well as the names of its owner and of its master.

[ARTICLE IX.(1)

The fishermen of both countries shall, whenever required, exhibit their licences or other official papers, or their muster rolls, to the commanders of the fishery cruizers, and to all other persons of either country appointed to superintend the fisheries.

ARTICLE X.

Fishing of all kinds, by whatever means and at all seasons, may be carried on in the seas lying beyond the fishery limits which have been fixed for the two countries, with the exception of that for oysters, as herein-after expressed.

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(1) Articles IX.-XXX. provisionally repealed by 46 & 47 Vict. c. 22. s. 30., *post*.

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ARTICLE XI.

From the 16th of June to the 31st of August inclusive, fishing for oysters is prohibited outside the fishery limits which have been fixed for the two countries, between a line drawn from the North Foreland light to Dunkirk, and a line drawn from the Land's End to Ushant.

During the same period and in the same part of the channel, no boat shall have on board any oyster dredge, unless the same be tied up and sealed by the customs authorities of one of the two countries in such a manner as to prevent its being made use of.

ARTICLE XII.

No boat shall anchor between sunset and sunrise on grounds where drift-net fishing is actually going on.

This prohibition shall not apply to anchorings which may take place in consequence of accidents, or any other compulsory circumstances; but in such case the master of the boat thus obliged to anchor shall hoist, so that they shall be seen from a distance, two lights placed horizontally about 3 feet (1 metre French) apart, and shall keep those lights up all the time the boat shall remain at anchor.

ARTICLE XIII.

Boats fishing with drift nets shall carry on one of their masts two lights, one over the other, 3 feet (1 metre French) apart.

These lights shall be kept up during all the time their nets shall be in the sea between sunset and sunrise.

ARTICLE XIV.

Subject to the exceptions or additions mentioned in the two preceding articles, the fishing boats of the two countries shall conform to the general rules respecting lights which have been adopted by the two countries.

ARTICLE XV.

Trawl boats shall not commence fishing at a less distance than three miles from any boat fishing with drift nets.

If trawl boats have already shot their nets, they must not come nearer to boats fishing with drift nets than the distance above mentioned.

ARTICLE XVI.

No boat fishing with drift nets shall shoot its nets so near to any other boat which has already shot its nets on the fishing ground as to interfere with its operations.

ARTICLE XVII.

No decked boat fishing with drift nets shall shoot its nets at a less distance than a quarter of a mile from any undecked boat which is already engaged in fishing.

ARTICLE XVIII.

If the spot where fishing is going on should be so near to the fishery limits of one of the two countries that the boats of the other country would, by observing the regulations prescribed by Articles XV., XVI., and XVII. preceding, be prevented from taking part in the fishery, such boats shall be at liberty to shoot their nets at a less distance than that

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so prescribed; but in such case the fishermen shall be responsible for any damage or losses which may be caused by the drifting of their boats.

ARTICLE XIX.

Nets shall not be set or anchored in any place where drift-net fishing is actually going on.

ARTICLE XX.

No one shall make fast or hold on his boat to the nets, buoys, floats, or any part of the fishing tackle belonging to another boat.

No person shall hook or lift up the nets, lines, or other fishing implements belonging to another person.

ARTICLE XXI.

When nets of different boats get foul of each other, the master of one boat shall not cut the nets of another boat except by mutual consent, and unless it be found impossible to clear them by other means.

ARTICLE XXII.

All fishing boats,(1) all rigging gear or other appurtenances of fishing boats, all nets, buoys, floats, or other fishing implements whatsoever, found or picked up at sea, shall, as soon as possible, be delivered to the receiver of wreck if the article saved be taken into the United Kingdom, and to the commissary of marine if the article saved be taken into France.

The receiver of wreck or the commissary of marine, as the case may be, shall restore the articles saved to the owners thereof, or to their representatives.

These functionaries shall fix the amount which the owners shall pay to the salvors.

ARTICLE XXIII.

The execution of the regulations concerning lights and signals, licences, muster rolls, and official papers, the lettering and numbering of boats and implements of fishing, is placed, with respect to the fishermen of each of the two nations, under the exclusive superintendence of the cruizers and agents of their own nation.

Nevertheless, the commanders of the cruizers of one of the two nations shall acquaint the commanders of the cruizers of the other nation with any infractions of the above-mentioned regulations committed by the fishermen of such other nation which may come to their knowledge.

ARTICLE XXIV.

All infractions of the regulations concerning the placing of boats on the fishing ground, the distances to be observed between them, the prohibition of oyster fishing during a portion of the year, and concerning every other operation connected with the act of fishing, and more particularly concerning circumstances likely to cause damage, shall be taken cognizance of by the cruizers of either nation, whichever may be the nation to which the fishermen guilty of such infractions may belong.

(1) *See* s. 21., p. 442, *ante*.

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ARTICLE XXV.

The commanders of cruizers of either country shall exercise their judgment as to the causes of any infractions brought to their knowledge, or as to damage arising from any cause whatever committed by British or French fishing boats in the seas beyond the fishery limits which have been fixed for the two countries; they may detain the offending boats and take them into the port nearest the scene of the occurrence, in order that the infraction or damage may be there duly established, as well by comparing the declarations and counter-declarations of the parties interested as by the testimony of those who were present.

ARTICLE XXVI.

When the offence shall not be such as to require exemplary punishment, but shall nevertheless have caused damage to any fisherman, the commanders of the cruizers shall be at liberty, should the circumstances admit of it, to arbitrate at sea between the parties concerned. On refusal of the offenders to defer to their arbitration the said commanders shall take both them and their boats into the nearest port, to be dealt with as stated in the preceding article.

ARTICLE XXVII.

Every fishing boat which shall have been taken into a foreign port in conformity with the two preceding articles shall be sent back to her own country for trial as soon as the infraction for which she may have been detained shall have been duly established. Neither the boat nor her crew shall, however, be detained in the foreign port more than three clear days.

ARTICLE XXVIII.(1)

The depositions, minutes of proceedings, and all other documents concerning the infraction, after having been authenticated by the collector of customs in the United Kingdom, or by the commissary of marine in France, shall be transmitted by that functionary to the consular agent of his nation residing in the port where the trial is to take place.

Such consular agent shall communicate those documents to the collector of customs, or to the commissary of marine, as the case may be; and if, after having conferred with that functionary, it shall be necessary for the interest of his countrymen, he shall proceed with the affair before the competent tribunal or magistrates of the country.

ARTICLE XXIX.

In both countries the competent court or magistrate shall be empowered to condemn to a fine of at least eight shillings (ten francs), or to imprisonment for at least two days, persons who may infringe the regulations of the convention concerning—

1. The close season for oysters, and illegal possession of dredges on board during that season;

2. The letters, numbers, and names to be placed on the boats, sails, nets, and buoys;

3. The licences or muster rolls;

(1) *See* s. 61., p. 447, *ante*.

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4. The flags and lights to be carried by the boats ;
5. The distances to be observed by the boats between each other ;
6. The placing and anchoring of vessels and boats ;
7. The placing and shooting of nets and the taking them up ;
8. The clearing of nets ;
9. The placing of buoys upon nets.

In case of repetition of the offence, the amount of fine or period of imprisonment may be doubled.

ARTICLE XXX.

In all cases of assault committed or of damage or loss inflicted at sea by fishermen of either country upon fishermen of the other country, the courts of the country to which the offenders belong shall condemn the latter to a fine of at least eight shillings (10 francs), or to imprisonment for at least two days. They may, moreover, condemn the offenders to pay adequate compensation for the injury.]

ARTICLE XXXI.

Fishing boats of either of the two countries shall be admitted to sell their fish in such ports of the other country as may be designated for that purpose, on condition that they conform to the regulations mutually agreed upon. Those regulations, together with a list of the ports, are annexed to the present convention ; but without prejudice to the opening by either country of any additional ports.

[ARTICLE XXXII.(1)

The fishing boats of the one country shall not enter within the fishery limits fixed for the other country, except under the following circumstances :—

1. When driven by stress of weather or by evident damage.

2. When carried in by contrary winds, by strong tides, or by any other cause beyond the control of the master and crew.

3. When obliged by contrary winds or tide to beat up in order to reach their fishing ground ; and when from the same cause of contrary wind or tide they could not, if they remained outside, be able to hold on their course to their fishing ground.

4. When, during the herring fishing season, the herring boats of the one country shall find it necessary to anchor under shelter of the coasts of the other country, in order to await the opportunity for proceeding to their fishing ground.

5. When proceeding to any of the ports of the other country open to them for the sale of fish in accordance with the preceding article ; but in such case they shall never have oyster dredges on board.

ARTICLE XXXIII.

When fishing boats, availing themselves of the privilege specified in article XXXI., shall have oysters on board, they shall not carry any dredges or other implement for taking oysters.

(1) Articles XXXII. and following provisionally repealed by 46 & 47 Vict. c. 22. s. 30., *post*.

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ARTICLE XXXIV.

The commanders of cruizers may authorize boats belonging to their own country to cross the exclusive fishery limits of the other country, whenever the weather is so threatening as to compel them to seek shelter.

ARTICLE XXXV.

Whenever, owing to any of the exceptional circumstances specified in the three preceding articles, the fishing boats of either country shall be in the ports or within the fishery limits fixed for the other country, the masters of such boats shall immediately hoist a blue flag two feet (60 centimetres French) high, and three feet (one metre French) long, and shall keep that flag flying at the masthead so long as they remain in such ports or within such limits. The flag shall be hauled down as soon as the boat is outside the said limits.

Such boats must return outside the said limits as soon as the exceptional circumstances which obliged them to enter shall have ceased.

ARTICLE XXXVI.

The commanders of the cruizers of each of the two countries, and all officers or other agents appointed to superintend fisheries, shall exercise their judgment as to infractions of the regulations with regard to the fishery limits, and when they shall be satisfied of the fact of the infraction they may detain the boats of the offenders, or cause them to be detained, and may take them, or cause them to be taken, into port, where, upon clear proof of the offence, such boats may be condemned by the competent court or magistrate, to a fine not exceeding 10 pounds (250 francs). In default of payment such boats may be detained for a period not exceeding three months.

In case of repetition of the offence the fine may be doubled.

ARTICLE XXXVII.

The proceedings and trial in cases of infraction of the provisions of the present convention shall take place as speedily and as summarily as the laws in force will permit.

ARTICLE XXXVIII.

The terms "British Islands" and "United Kingdom," employed in this convention, shall include the islands of Jersey, Guernsey, Alderney, Sark, and Man, with their dependencies.

ARTICLE XXXIX.

Her Britannic Majesty engages to recommend to Parliament to pass an Act to enable her to carry into execution such of the arrangements contained in the present convention as require legislative sanction. When such an Act shall have been passed, the convention shall come into operation from and after a day to be then fixed upon by the two high contracting parties. Due notice shall be given in each country by the government of that country of the day which may be so fixed upon.

ARTICLE XL.

The convention shall continue in force for 10 years from the day on which it may come into operation, and if neither party shall, 12 months

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before the expiration of the said period of 10 years, give notice of its intention to terminate its operation, the convention shall continue in force one year longer, and so on from year to year, until the expiration of one year's notice from either party for its termination.

The high contracting parties however reserve to themselves the power to make, by mutual consent, any modification in the convention which experience shall have shown to be desirable, provided it is not inconsistent with the principles on which it is based.

ARTICLE XLI.

The convention concluded between the high contracting parties on the 2nd of August 1839, and the regulations of the 23rd of June 1843, shall continue in force until the day when, as provided in article XXXIX., the present convention shall come into operation, and shall then altogether cease and determine.

ARTICLE XLII.

The present convention shall be ratified, and the ratifications shall be exchanged as soon as possible.

In witness whereof the respective plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Paris, the 11th of November in the year of our Lord 1867.

(L.S.) LYONS.
(L.S.) MOUSTIER.

ADDITIONAL ARTICLE.

It is agreed that article XXXI. of the convention signed this day shall not come into operation until the two contracting parties shall have come to a further understanding on the subject. Due notice shall be given of the day that may be fixed upon for its coming into operation.

The present additional article shall have the same force and validity as if it were inserted, word for word, in the convention signed this day. It shall be ratified, and the ratifications shall be exchanged at the same time as those of the convention.

In witness whereof the respective plenipotentiaries have signed the same, and have affixed thereto the seals of their arms.

Done at Paris, the 11th of November in the year of our Lord 1867.]

(L.S.) LYONS.
(L.S.) MOUSTIER.

Declaration annexed to the Convention of November 11, 1867.

The fishermen of each country shall not be allowed to land or discharge their fish in the other country except at places where there is a custom house, and during office hours.

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Immediately upon their arrival, and in all cases before they commence the discharge of their cargo, they shall present their muster roll, or licence, or official paper, to the proper officer of customs, and shall pass an entry at the custom house stating as nearly as possible the quantity of fish which they have on board.

If the master of a fishing boat cannot write, the officer of customs shall fill up for him the form required, and the master shall affix his mark thereto.

The custom house officers shall have power to board and search the fishing boats of the other country in the manner directed by the customs laws.

During their stay in the ports of the other country, the fishermen of either country shall, if required to do so by the customs authorities, deposit in a warehouse or in the custom house, until their departure, all stores subject to duty, which shall not be necessary for their daily consumption. No charge shall be made for such warehousing.

The ports enumerated in the subjoined list, where there is a custom house establishment, are those that shall be open in each country to the fishermen of the other country. In case the customs establishment at any of those ports should be abolished, notice thereof shall be given to the government of the other country.

LIST of the Ports in the UNITED KINGDOM open for the Importation of Fish by FRENCH FISHING BOATS.

In England.

Bristol.	Liverpool.	Ramsgate.
Cardiff.	London.	Shields.
Dover, C.	Lowestoft.	Shoreham, C.
Folkestone, C.	Middlesborough.	Southampton, C.
Falmouth, C.	Newcastle.	Sunderland.
Grimsby.	Newhaven, C.	Swansea.
Hartlepool.	Newport.	Weymouth, C.
Harwich.	Portsmouth, C.	Whitby.
Hull.	Plymouth, C.	Yarmouth.

In Scotland.

Aberdeen.	Greenock.	Wick.
Glasgow.	Leith.	

In Ireland.

Belfast.	Dublin.	Waterford.
Cork.	Galway.	

In the Channel Islands.

Jersey, C.	Guernsey, C.

The ports in the channel are marked with a C.

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LIST of the Ports of the FRENCH EMPIRE open for the Importation of Fish by BRITISH FISHING BOATS.

Directions.	——	Directions.	——
DUNKERQUE	Gravelines.	Saint Brieuc —*suite.*	La Houlle.
	Dunkerque.		Le Vivier.
BOULOGNE -	Hourdel.	BREST -	Quimperlé.
	St. Valéry-sur-Somme.		Douélan.
	Crotoy.		Pontaven.
	Abbeville.		Concarneau.
	Berck (plage maritime).		Quimper.
	Etaples.		Pont l'Abbé.
	Boulogne.		Audierne.
	Calais.		Douarnenez.
			Morgat.
LE HAVRE -	Harfleur.		Camaret.
	Le Havre.		Port Launay.
	Fécamp.		Le Faon.
	St. Valéry-en-Caux.		Landerneau.
	Dieppe.		Brest.
	Tréport.		Le Conquet.
	Eu.		Labrevrach.
			Roscoff.
ROUEN -	Rouen.		Morlaix.
	Croisset.		
	Duclair.	VANNES -	Redon.
	Caudebec.		La Roche-Bernard.
			Tréhiguier.
CAEN - -	Isigny.		Billiers.
	Port-en-Bessin.		Pénerf.
	Courceulles.		Ambon.
	Caen.		Vannes.
	Ouistreham.		Belle-Croix.
	Trouville.		Sarzeau.
	Honfleur.		Suscinio.
	Pont-Audemer.		Saint Armel.
			Novalo.
SAINT LÔ -	Granville.		Quatre-vents.
	Regneville.		Ile d'Ars (Ile du Morbihan).
	Portbail (Havre).		
	Dielette.		Port Novalo.
	Carentan.		Larmorbaden.
	Cherbourg.		Locmariaquer.
	Barfleur.		Auray.
	Saint Vaast.		Rochdu.
	Omonville.		La Trinité.
			Carnac.
SAINT BRIEUC	Lannion.		Porthaliguen.
	Perros.		Palais (Ile).
	Tréguier.		Etel.
	Lézardrieux.		Port Louis.
	Pontrieux.		Hennebon.
	Paimpol.		Lorient.
	Portrieux.		Kernevel.
	Binic.		Groix (Ile).
	Le Légué.		
	Dahonet.	NANTES -	Noirmoutiers.
	Erquy.		St. Gilles.
	Le Guildo.		Ile d'Yeu.
	Plouer.		La Barre-de-Mont (pour sur canal).
	Dinan.		
	Saint Suliac.		Beauvoir (idem).
	Saint Servan.		Boin (idem).
	Saint Malo.		Bourgneuf.

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Directions.	——	Directions.	——
Nantes—*suite.*	Pornic.	La Rochelle—*suite.*	Ile d'Aix (Ile).
	Paimbœuf.		La Rochelle.
	Saint Nazaire.		Lauzières.
	Nantes.		Marans.
	Chantenay.		La Flotte (Ile de Ré).
	La Basse-Indre.		St. Martin (idem).
	Port Nichet.		Loix (idem).
	Pouliguen.		Ars (idem).
	Le Croisic.		Luçon (port sur canal).
	La Turballe.		L'Aiguillon.
	Le Rosais.		Les Sables.
			Saint-Martin de Brem.
La Rochelle	La Tremblade.		
	Mornac.	Bordeaux -	La Teste.
	L'Eguille.		Gujan.
	Le Gua.		Certes.
	Nieulle (port sur canal).		Le Verdon.
	Lusac (idem).		La Fosse (port sur canal).
	Marennes (idem).		Pauillac.
	Le Chapus.		Bordeaux.
	Le Château (Ile d'Oléron).		Libourne.
			Plaigne.
	St. Pierre (idem).		Bourg.
	St. Georges (idem).		Blaye.
	St. Denis (idem).		Montagne.
	Bronage (port sur canal).		Les Meschers.
	Moëze.		Royan.
	Charente.		
	Rochefort.	Bayonne -	Saint Jean de Luz.
	Fouran.		Bayonne.

In witness whereof the respective plenipotentiaries have signed these annexes to the convention concluded this day, and have affixed thereto the seals of their arms.

At Paris, the 11th November 1867.

(L.S.) LYONS.
(L.S.) MOUSTIER.

31 & 32 Victoria.—A.D. 1868.

CAP. LXXVIII.

An Act to amend the Law relating to Proceedings instituted by the Admiralty; and for other Purposes connected therewith.(1) [31st July 1868.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Admiralty Suits Act, 1868.

(1) *See*, as to suits by Admiralty relative to any lands contracted to be purchased or taken for the purpose of Greenwich Hospital, 28 & 29 Vict. c. 89. s. 52., p. 385, *ante*.

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"The Admiralty."

2. In this Act the term "the Admiralty" means the lord high admiral of the United Kingdom for the time being, or the commissioners for the time being for executing the office of lord high admiral.

Power to Admiralty to institute actions, &c. as to naval stores, &c.

3. The Admiralty may institute any action, suit, or proceeding concerning naval or victualling stores, or other her Majesty's stores, goods, or chattels under the charge or control of the Admiralty, or any stores, goods, or chattels sold or contracted to be delivered to or by the Admiralty for the use or on account of her Majesty, or the price to be paid for the same, or any loss or injury of or to any such stores, goods, or chattels as aforesaid, or concerning any contract with the Admiralty relative to the execution of any work, or the doing of any thing, or concerning any matter arising under or in relation to any such contract, or concerning any periodical or other payment or due payable to the Admiralty, or concerning any debt, damages, claim, demand, or cause of action or suit whatever arising out of any matter in anywise relating to the rights, powers, or duties of the Admiralty, or to property vested in or purchased by or being under the management or control of the Admiralty, in like manner and form (as nearly as may be) as if the question in dispute were one between subject and subject.(1)

Style of Admiralty in suits, &c.

4. In any such action, suit, or proceeding the Admiralty may be styled "The Lord High Admiral of the United Kingdom" or "The Commissioners for executing the Office of Lord High "Admiral of the United Kingdom" (as the case requires), without more; and any such action, suit, or proceeding shall not be affected by any change in the Admiralty.(2)

Costs in suits, &c.

5. In any such action, suit, or proceeding the Admiralty shall be liable and entitled to pay or receive costs according to the ordinary law and practice relative to costs.

Nothing to affect legal rights, &c. of the Crown, &c.

6. Nothing in this Act (except as expressly otherwise provided) shall take away or abridge in any such action, suit, or proceeding any legal right, privilege, or prerogative of the Crown; and in all such actions, suits, and proceedings, and in all matters and proceedings connected therewith, the Admiralty may exercise and enjoy all such rights, privileges and prerogatives as are for the time being exerciseable and enjoyable in any proceeding in any court of law or equity by the Crown, as if the Crown were actually a party to such action, suit, or proceeding.

Power reserved to her Majesty to

7. Notwithstanding anything in this Act, it shall be lawful for her Majesty, her heirs and successors, if and when it seems

(1) Compare also 28 & 29 Vict. c. 124. s. 2., p. 392, *ante*, which is perhaps superseded by the provisions of this Act.

(2) *See*, for "style" of commissioners in deeds, &c., 2 & 3 Will. 4. c. 40. s. 7., p. 75, *ante*.

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proceed by information, &c.

fit, to proceed by information in the Court of Exchequer, or by any other Crown process, legal or equitable, in any case in which it would have been competent for her Majesty, her heirs or successors, so to proceed if this Act had not been passed.

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32 & 33 Victoria.—A.D. 1869.

Cap. XI.

An Act for amending the Law relating to the Coasting Trade and Merchant Shipping in British Possessions.

[13th May 1869.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title.

1. This Act may be cited as "The Merchant Shipping (Colonial) Act, 1869."

Definition of terms: "British possession:"

2. In this Act, unless the context otherwise requires,—

The term "British possession" means any territory or place situate within her Majesty's dominions, and not forming part of the United Kingdom, or of the Channel Islands, or Isle of Man; and all territories and places under one legislature as herein-after defined are deemed to be one British possession for the purposes of this Act:

"Legislature."

The term "legislature" includes any person or persons who exercise legislative authority in the British possession, and where there are local legislatures as well as a central legislature, means the central legislature only.

Merchant Shipping.

Colonial certificates to master, mates, and engineers.

8. Where the legislature of any British possession provides for the examination of, and grant of certificates of competency to persons intending to act as masters, mates, or engineers on board British ships, and the Board of Trade reports to her Majesty that they are satisfied that the examinations are so conducted as to be equally efficient as the examinations for the same purpose in the United Kingdom under the Acts relating to merchant shipping, and that the certificates are granted on such principles as to show the like qualifications and competency as those granted under the said Acts, and are liable to be forfeited for the like reasons and in the like manner, it shall be lawful for her Majesty, by order in council,

1. To declare that the said certificates shall be of the same force as if they had been granted under the said Acts:

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2. To declare that all or any of the provisions of the said Acts which relate to certificates of competency granted under those Acts shall apply to the certificates referred to in the said order:
3. To impose such conditions and to make such regulations with respect to the said certificates, and to the use, issue, delivery, cancellation, and suspension thereof, as to her Majesty may seem fit, and to impose penalties not exceeding fifty pounds for the breach of such conditions and regulations.

Upon the publication in the London Gazette of any such order in council as last aforesaid, the provisions therein contained shall, from a date to be mentioned for the purpose in such order, take effect as if they had been contained in this Act.

It shall be lawful for her Majesty in council to revoke any order made under this section.

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32 & 33 Victoria.—A.D. 1869.

CAP. XLIV.

An Act to make better Provision respecting Greenwich Hospital, and the Application of the Revenues thereof. [2d August 1869.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short titles. This Act and 28 & 29 Vict. c. 89. construed together.

1. This Act may be cited as the Greenwich Hospital Act, 1869; and this Act and the Greenwich Hospital Act, 1865, shall be read and have effect together as one Act, and may be cited together as the Greenwich Hospitals Acts, 1865 and 1869.(1)

* * * * * * *

Admission of invalids, &c. to benefits of hospital.

3. The Admiralty may, under regulations to be from time to time made by them, admit temporarily or permanently to the benefits of Greenwich Hospital non-commissioned officers and men of the royal navy and marines who, although not in receipt of naval pensions, have been, before or after the passing of this Act, discharged as invalided for disease or wounds contracted or received in or by the service of the Crown, or are infirm and helpless.

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(1) *See*, for the Greenwich Hospital Acts, Greenwich Hospital Act, 1865, 28 & 29 Vict. c. 89., p. 577, *ante*, Greenwich Hospital Act, 1872, 35 & 36 Vict. c. 67., p. 526, *post*, the Greenwich Hospital Act, 1883, 46 & 47 Vict. c. 32., *post*, and the Greenwich Hospital Act, 1885, 48 & 49 Vict. c. 42., *post*, which are construed together with this Act.

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Transfer of invalids to naval hospital, &c.

4. The Admiralty may, under regulations to be from time to time made by them, send any non-commissioned officers or men admitted to the benefits of Greenwich Hospital to a naval hospital or infirmary, to be there maintained at the expense of Greenwich Hospital.

Power to substitute pensions for maintenance.

5. The Admiralty may, under regulations to be from time to time made by them, appoint to non-commissioned officers and men admitted to the benefits of Greenwich Hospital, in lieu of maintaining them in or at the expense of Greenwich Hospital, such special Greenwich Hospital pensions as to the Admiralty shall seem fit, according to the circumstances of each case, but so that the amount received by any non-commissioned officer or man in respect of such special pension, together with the naval pension (if any) appointed to him, and the Greenwich Hospital pension (if any) appointed to him under the Greenwich Hospital Act, 1865,(1) shall not exceed in the case of any non-commissioned officer or man who was an inmate of Greenwich Hospital on the first day of January one thousand eight hundred and sixty-nine the sum of thirty-six pounds ten shillings a year, and in the case of any non-commissioned officer or man who has been or is admitted to the benefits of Greenwich Hospital after the last-mentioned day the sum of twenty-seven pounds ten shillings a year.

Approval of regulations.

6. Regulations made by the Admiralty under this Act shall not have effect unless and until they are approved by her Majesty in council.

Power to permit use of buildings for public purposes.

7. The Admiralty may from time to time permit Greenwich Hospital or any part thereof, with the appurtenances, to be occupied and used temporarily for the purposes of the naval service or of any department of her Majesty's government, or for the benefit of persons engaged or who have been engaged in seafaring pursuits, with or without requiring a rent, and on such terms respecting repairs and other matters as the Admiralty think fit; but so that the whole of the buildings of the hospital and their appurtenances shall be at all times available for the purposes to which the same would have been applicable if this section had not been enacted.

Greenwich Hospital income account.

8. Her Majesty's paymaster general shall continue to keep in his books the separate account, called the Greenwich Hospital income account, opened by him under the Greenwich Hospital Act, 1865.

Payments out of consolidated fund.

9. From and after the thirtieth day of September one thousand eight hundred and sixty-nine there shall be charged on the consolidated fund of the United Kingdom, and from time to

(1) 28 & 29 Vict. c. 89., p. 377, *ante*.

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time under the direction of the commissioners of her Majesty's Treasury carried therefrom to the Greenwich Hospital income account, the annual sum of four thousand pounds (the same being the estimated difference between the annual sum of twenty thousand pounds charged on the consolidated fund by the Act of King William the Fourth, repealed by this Act, and the corrected average aggregate amount of the sums of fifteen pounds per head mentioned in section fifty-one of the Greenwich Hospital Act, 1865, also repealed by this Act); which annual sum shall be carried over in one amount on or before the thirtieth day of September in each year, commencing with the year one thousand eight hundred and seventy.

* * * * * * *

Transfer of naval pensions of men maintained.

11. The naval pensions of such non-commissioned officers and men as are for the time being maintained in or at the expense of Greenwich Hospital shall not be paid to them individually, but so much of the money annually provided and appropriated by Parliament for naval pensions as would be applicable to the payment of the naval pensions of those officers and men shall be paid into the Bank of England under the direction of the Admiralty to the cash account of her Majesty's paymaster general, who shall carry the same to the Greenwich Hospital income account.

* * * * * * *

Payment of rents after deduction of expenses, &c.

13. The rents and profits of the lands vested(1) in the Admiralty by virtue of the Greenwich Hospital Act, 1865, shall, as and when received, be paid, after deduction of the necessary and proper expenses of management of those lands and of all other necessary and proper outgoings in respect thereof, into the Bank of England to the cash account of her Majesty's paymaster general, who shall carry the same to the Greenwich Hospital income account.

Provision as to Hexham, &c. railway.

14. From and after the thirtieth day of September one thousand eight hundred and sixty-nine, the Hexham and Allendale Railway Act, 1866, shall be read and have effect as if the solicitor of the Admiralty had been mentioned throughout the enactments of that Act instead of the comptroller of the Greenwich Hospital estate; and the register of shareholders of the Hexham and Allendale Railway Company shall be altered (as far as is necessary) accordingly.

Power to grant pensions instead of annuities.

15. Notwithstanding anything in sections twelve and sixteen(2) of the Greenwich Hospital Act, 1865, directing the purchase of annuities for such persons and of such respective amounts as therein described, the Admiralty may, if they think fit, from

(1) *See* 28 & 29 Vict. c. 89. ss. 22., 23., p. 380, *ante*.
(2) *See* pp. 378, 379, *ante*.

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time to time grant to persons hereafter removed from office under the provisions of the said Act, or to any of them, pensions for their respective lives, of the like amount as the annuities to which they would respectively be entitled under those sections, to be charged on the income of Greenwich Hospital; and where any pension is so granted the directions of sections twelve and sixteen shall not have effect.

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32 & 33 Victoria.—A.D. 1869.

CAP. LVII.

An Act to amend the Law relating to the Protection of Seamen's Clothing and Property. [2d August 1869.]

WHEREAS the clothing and property of soldiers are protected by the restraint of the sale thereof, and it is expedient to make the like provisions with respect to seamen's clothing and property:

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Seamen's Clothing Act, 1869.

Extent of Act.

2. The dockyard towns to which this Act extends are the towns specified in the schedule to this Act, and for the purposes of this Act the limits of those dockyard towns shall be the limits specified in the second column of the said schedule.

Interpretation of terms.

3. In this Act—

The term "the Admiralty" means the lord high admiral of the United Kingdom, or the commissioners for executing the office of lord high admiral:

The term "seaman" means every person not being a commissioned, warrant, or subordinate officer who is in or belongs to her Majesty's navy, and is borne on the books of any one of her Majesty's ships in commission, and every person, not being an officer as aforesaid, who, being borne on the books of any hired vessels in her Majesty's service in time of war, is by virtue of any Act for the time being in force for the discipline of the navy, subject to the provisions of such Act:

The term "seaman's property" means any clothes, slops, medals, and necessaries, or articles usually deemed to be necessaries for sailors on board ship which belong to any seaman.

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Penalty on purchaser of seamen's clothing in dockyard towns.

4. If any person in any dockyard town to which this Act extends detains, buys, exchanges, takes on pawn, or receives from any seaman, or any person acting for a seaman, any seaman's property, or solicits or entices any seaman, or is employed by any seaman, to sell, exchange, or pawn any seaman's property, he shall, unless he proves that he acted in ignorance of the same being seaman's property, or of the person with whom he dealt being or acting for a seaman, or that the same was sold by order of the Admiralty or commander-in-chief, be liable, on summary conviction, to a penalty not exceeding twenty pounds, and if convicted of a second offence, to the same penalty, or, in the discretion of the justices, to be imprisoned for a term not exceeding six months, with or without hard labour.

Penalty on dealer, &c. found in possession of seaman's property and not accounting for it.

5. If in any dockyard town to which this Acts extends any seaman's property is found in the possession or keeping of any person, and he is taken or summoned before a justice of the peace, (which taking and summoning are hereby authorized,) and the justice sees reasonable grounds for believing the property so found to have been stolen, or to have been detained, bought, exchanged, pawned, or otherwise received contrary to the provisions of this Act, then if such person does not satisfy the justice that he came by the seaman's property so found, lawfully and without any contravention of this Act, he shall be liable, on summary conviction before a justice, to a penalty not exceeding five pounds; and for the purposes of this section seaman's property shall be deemed to be in the possession or keeping of any person if he knowingly has any such property in the actual possession or keeping of any other person, or in any house, building, lodging, apartment, field, or place, open or inclosed, whether occupied by himself or not, and whether the same are so had for his own use or benefit or for the use or benefit of another.

Certain parts of 24 & 25 Vict. c. 96. incorporated with this Act.

6. The following sections of the Act of the session of the twenty-fourth and twenty-fifth years of the reign of her present Majesty, chapter ninety-six, "to consolidate and amend the "statute law of England and Ireland relating to larceny, and "other similar offences," are hereby incorporated with this Act, and shall for the purposes of this Act be read as if they were herein enacted, and as if the term "this Act" in those sections included the present Act; namely, section ninety-nine (relating to the punishment of abettors), section one hundred and three (relating to the apprehension of offenders, and search warrants), and sections one hundred and seven to one hundred and thirteen, both inclusive, and section one hundred and twenty (relating to proceedings in the case of summary offences, and appeals therefrom).

Not to prevent persons being indicted

7. Nothing in this Act shall prevent any person from being indicted, or being liable under any other Act or otherwise to any

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under this Act, &c.

other or higher penalty or punishment than is provided for any offence by this Act, so that no person be punished twice for the same offence.

SCHEDULE.

Names of Places.	Limits of Places.
Portsmouth - -	The limits of the municipal borough of Portsmouth, and of the residue of the island of Portsea, and of the parish of Alverstoke, and of the township of Landport.
Plymouth and Devonport.	The limits of the following places; namely, The municipal borough of Plymouth. The parliamentary borough of Devonport. The parish of Laira. The tithing of Pennycross or Western Peveril. The tithing of Compton Gifford. Torpoint, in the county of Cornwall, within the distance of half a mile from the Ferry gate.
Chatham - -	The limits of the following places; namely, Chatham; Gillingham; Saint Nicholas, Rochester; Saint Margaret, Rochester; The Precincts, Rochester; Brompton; New Brompton; Strood; and Frindsbury; The hamlet of Grange otherwise Grench.
Sheerness - -	The limits of the parish of Minster, and of the township of Queenborough.
Cork - - -	The limits of the borough of Cork for municipal purposes.
Queenstown - -	The limits of the town of Queenstown for the purposes of town improvement.

32 & 33 Victoria.—A.D. 1869.

CAP. LX.

An Act to alter and amend the Acts enabling Her Majesty to grant Pensions to persons having held certain high civil offices.(1) [9th August 1869.]

WHEREAS it is expedient to amend the law relating to pensions to be granted to persons who have held offices in

(1) *See* as to pensions and superannuations, 4 & 5 Will. 4. c. 24., p. 76, *ante*; the Superannuation Act, 1859, 22 Vict. c. 26., p. 264, *ante*; the Pensions Commutation Act, 1871, 34 & 35 Vict. c. 36., p. 500, *post*; the Superannuation Act, 1872, 35 & 36 Vict. c. 12., p. 514, *post*, and the Pensions Commutation Act, 1882, 45 & 46 Vict. c. 44., *post*.

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the civil service of the Crown which are usually held by members of the House of Lords or the House of Commons, and which offices are herein-after referred to as political offices: Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Application of Act.

1. This Act, with the exception of the reservation herein-after contained, shall not apply to any office in the permanent civil service of the Crown or in her Majesty's household, or to any legal office, other than the office of judge advocate general.

Classification of political offices.

2. Political offices shall for the purposes of this Act be divided into three classes; viz.:—

Class 1. Containing the office of the first lord of the Admiralty and all other political offices remunerated with a yearly salary of not less than five thousand pounds:

Class 2. Containing all such offices remunerated with a yearly salary of less than five thousand pounds and not less than two thousand pounds:

Class 3. Containing all such offices remunerated with a yearly salary of less than two thousand pounds and more than one thousand pounds.

Limit of amount of pensions.

3. Subject to the provisions of this Act her Majesty may, if she shall think fit, by warrant under her royal sign manual, countersigned by two or more commissioners of her Majesty's Treasury, grant to any person in respect of his services, whether before or after the passing of this Act, in any office included in any of the above classes, a pension during life according to the following scale, viz.:—

1st. A first-class pension, not exceeding two thousand pounds a year, in respect of a service of not less than four years, or its equivalent, in an office of the first class.

2d. A second-class pension, not exceeding one thousand two hundred pounds a year, in respect of a service of not less than six years, or its equivalent, in an office of the second class.

3d. A third-class pension, not exceeding eight hundred pounds a year, in respect of a service of not less than ten years in an office of the third class.

Mode of calculating time of service.

4. For the purposes of this Act, service for any time in an office of the third class shall count as service for one half of that time in an office of the second class; and service for any time in an office of the second class shall count as service for one half of that time in an office of the first class; but no person shall be entitled to a first-class pension who has not actually served two years in an office of the first class, nor to a second-class pension who has not actually served three years in an office of the second class. Any person who, having served for three years in

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a lower class, has afterwards served in a higher class for such time as would, if the service had been in the lower class, have entitled him to a pension in the lower class, shall be entitled to reckon the whole of his service as if it had been passed in the lower class.

The time of service in political offices may for the purposes of this Act be continuous or at different times and in different offices of the above classes; but no pension under this Act shall be granted in any class while four pensions of that class are subsisting; nor shall more than one pension under this Act be granted in the same year: Provided that no office hereafter created shall be entitled to rank as one of the political offices within the meaning of this Act, unless such office shall have been created by Act of Parliament, nor shall in future any addition to the salary of any political office now existing, or hereafter to be created, made otherwise than under the authority of an Act of Parliament, entitle such office to rank in any higher class than that in which it would have ranked without such addition.

Pensions payable out of Indian revenue.

5. Pensions in respect of service in offices the salary of which is paid out of the revenues of India shall be paid out of those revenues.

Pensioner not to hold pension under another Act.

6. Where a person receiving a pension under this Act was at the time of his application for such pension, or is afterwards, entitled to any emolument (including in the term any salary, compensation, superannuation allowance or pension,) which is payable out of any monies raised by taxation or out of other public revenue in any part of her Majesty's dominions, or is received by way of fees or otherwise in respect of his holding any public office or employment in any part of her Majesty's dominions, the payment of the pension under this Act shall so long as he receives such emolument, if the amount thereof is greater than or equal to the pension under this Act, be suspended, and if less be diminished by the amount of such emolument; and if any person is at the time of his application for or while receiving a pension under this Act entitled to any such emolument, he shall forthwith deliver to the commissioners of her Majesty's Treasury a declaration under his hand stating the nature and amount thereof.

Sect. 6. of 4 & 5 Will. 4. c. 24. to apply to pensions under this Act.

7. Section six(1) of the Act of the session of the fourth and fifth years of the reign of King William the Fourth, chapter twenty-four, shall apply to pensions under this Act in the same manner as if they had been granted under the provisions of the said Act.

Pensions under this Act payable quarterly out

8. Every pension, not being chargeable on the revenues of India, granted under this Act shall be issued and payable out of and charged and chargeable upon the consolidated fund of the

(1) *See* p. 76, *ante*.

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United Kingdom of Great Britain and Ireland next in order of payment to and after paying or reserving sufficient to pay all such sums of money as have been directed to be paid by any former Act or Acts, but with preference to all other payments hereafter to be charged thereon as aforesaid, and the same shall from time to time be paid and payable quarterly. of the consolidated fund.

9. The Acts specified in the schedule to this Act are hereby repealed(1) to the extent in the schedule mentioned: Repeal of provisions in schedule to this Act.

Provided that—

(1.) This repeal shall not affect any pensions which have been granted under any of the said Acts before the passing of this Act and are still in force, and those Acts shall apply to such pensions as if this Act had not passed.

(2.) Where a person is qualified by service before the passing of this Act to receive a pension under any of the said Acts, it shall be lawful for her Majesty to grant a pension to such person in pursuance of those Acts; and those Acts shall apply, in the case of such pension, in the same manner as if this Act had not passed.

(3.) Where a person who is in the permanent civil service of the state is qualified by service before the passing of this Act to receive a pension under any of the said Acts, or would but for this repeal have become so qualified by service partly before and partly after the passing of this Act, then either—

(*a*) Such person may claim a superannuation allowance under the Superannuation Act, 1859:(2) 22 & 23 Vict. c. 26.

Or,

(*b*) Such person may claim, and her Majesty may grant to him, a pension under the provisions of the said Acts; and those Acts shall apply, in the case of such pension, in the same manner as if this Act had not passed.

10. This Act may be cited as "The Political Offices Pension Act, 1869." Short title.

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33 & 34 Victoria.—A.D. 1870.

CAP. XIV.

An Act to amend the Law relating to the legal condition of Aliens and British Subjects. [12th May 1870.]

WHEREAS it is expedient to amend the law relating to the legal condition of aliens and British subjects:

(1) This repealing section is inserted on account of the provisos. The schedule of enactments repealed, viz., 57 Geo. 3. c. 65., 6 Geo. 4. c. 90., 4 & 5 Will. 4. c. 24. ss. 1–5. and 7. is omitted.

(2) *See* p. 264, *ante*.

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Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Naturalization Act, 1870."(1)

Status of Aliens in the United Kingdom.

Capacity of an alien as to property.

2. Real and personal property of every description may be taken, acquired, held, and disposed of by an alien in the same manner in all respects as by a natural-born British subject; and a title to real and personal property of every description may be derived through, from, or in succession to an alien in the same manner in all respects as through, from, or in succession to a natural-born British subject: Provided,—

(1.) That this section shall not confer any right on an alien to hold real property situate out of the United Kingdom, and shall not qualify an alien for any office or for any municipal, parliamentary, or other franchise:

(2.) That this section shall not entitle an alien to any right or privilege as a British subject, except such rights and privileges in respect of property as are hereby expressly given to him:

(3.) That this section shall not affect any estate or interest in real or personal property to which any person has or may become entitled, either mediately or immediately, in possession or expectancy, in pursuance of any disposition made before the passing of this Act, or in pursuance of any devolution by law on the death of any person dying before the passing of this Act.

Power of naturalized aliens to divest themselves of their status in certain cases.

3. Where her Majesty has entered into a convention with any foreign state to the effect that the subjects or citizens of that state who have been naturalized as British subjects may divest themselves of their status as such subjects, it shall be lawful for her Majesty, by order in council, to declare that such convention has been entered into by her Majesty; and from and after the date of such order in council, any person being originally a subject or citizen of the state referred to in such order, who has been naturalized as a British subject, may, within such limit of time as may be provided in the convention, make a declaration of alienage, and from and after the date of his so making such declaration such person shall be regarded as an alien, and as a subject of the state to which he originally belonged as aforesaid.

A declaration of alienage may be made as follows; that is to say,—If the declarant be in the United Kingdom in the presence of any justice of the peace, if elsewhere in her Majesty's domi-

(1) This Act is construed with the Naturalization Oath Act, 1870, 33 & 34 Vict. c. 102., p. 499, *post*, and the Naturalization Act, 1872, 35 & 36 Vict. c. 39., p. 523, *post*.

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nions in the presence of any judge of any court of civil or criminal jurisdiction, of any justice of the peace, or of any other officer for the time being authorized by law in the place in which the declarant is to administer an oath for any judicial or other legal purpose. If out of her Majesty's dominions in the presence of any officer in the diplomatic or consular service of her Majesty.

How British-born subject may cease to be such.

4. Any person who by reason of his having been born within the dominions of her Majesty is a natural-born subject, but who also at the time of his birth became under the law of any foreign state a subject of such state, and is still such subject, may, if of full age and not under any disability, make a declaration of alienage in manner aforesaid, and from and after the making of such declaration of alienage such person shall cease to be a British subject. Any person who is born out of her Majesty's dominions of a father being a British subject may, if of full age, and not under any disability, make a declaration of alienage in manner aforesaid, and from and after the making of such declaration shall cease to be a British subject.

Alien not entitled to jury de medietate linguæ.

5. From and after the passing of this Act, an alien shall not be entitled to be tried by a jury de medietate linguæ, but shall be triable in the same manner as if he were a natural-born subject.

Expatriation.

Capacity of British subject to renounce allegiance to her Majesty.

6. Any British subject who has at any time before, or may at any time after the passing of this Act, when in any foreign state and not under any disability voluntarily become naturalized in such state, shall, from and after the time of his so having become naturalized in such foreign state, be deemed to have ceased to be a British subject and be regarded as an alien: Provided,—

(1.) That where any British subject has before the passing of this Act voluntarily become naturalized in a foreign state and yet is desirous of remaining a British subject, he may, at any time within two years after the passing of this Act, make a declaration that he is desirous of remaining a British subject, and upon such declaration herein-after referred to as a declaration of British nationality being made, and upon his taking the oath of allegiance, the declarant shall be deemed to be and to have been continually a British subject; with this qualification, that he shall not, when within the limits of the foreign state in which he has been naturalized, be deemed to be a British subject, unless he has ceased to be a subject of that state in pursuance of the laws thereof, or in pursuance of a treaty to that effect:

(2.) A declaration of British nationality may be made, and the oath of allegiance be taken as follows; that is to say,—if the declarant be in the United Kingdom in

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the presence of a justice of the peace; if elsewhere in her Majesty's dominions in the presence of any judge of any court of civil or criminal jurisdiction, of any justice of the peace, or of any other officer for the time being authorized by law in the place in which the declarant is to administer an oath for any judicial or other legal purpose. If out of her Majesty's dominions in the presence of any officer in the diplomatic or consular service of her Majesty.

Naturalization and Resumption of British Nationality.

Certificate of naturalization.

7. An alien who, within such limited time before making the application herein-after mentioned as may be allowed by one of her Majesty's principal secretaries of state, either by general order, or on any special occasion, has resided in the United Kingdom for a term of not less than five years, or has been in the service of the Crown for a term of not less than five years, and intends, when naturalized, either to reside in the United Kingdom, or to serve under the Crown, may apply to one of her Majesty's principal secretaries of state for a certificate of naturalization.

The applicant shall adduce in support of his application such evidence of his residence or service, and intention to reside or serve, as such secretary of state may require. The said secretary of state, if satisfied with the evidence adduced, shall take the case of the applicant into consideration, and may, with or without assigning any reason, give or withhold a certificate as he thinks most conducive to the public good, and no appeal shall lie from his decision, but such certificate shall not take effect until the applicant has taken the oath of allegiance.

An alien to whom a certificate of naturalization is granted shall in the United Kingdom be entitled to all political and other rights, powers, and privileges, and be subject to all obligations, to which a natural-born British subject is entitled or subject in the United Kingdom, with this qualification, that he shall not, when within the limits of the foreign state of which he was a subject previously to obtaining his certificate of naturalization, be deemed to be a British subject unless he has ceased to be a subject of that state in pursuance of the laws thereof, or in pursuance of a treaty to that effect.

The said secretary of state may in manner aforesaid grant a special certificate of naturalization to any person with respect to whose nationality as a British subject a doubt exists, and he may specify in such certificate that the grant thereof is made for the purpose of quieting doubts as to the right of such person to be a British subject, and the grant of such special certificate shall not be deemed to be any admission that the person to whom it was granted was not previously a British subject.

An alien who has been naturalized previously to the passing of this Act may apply to the secretary of state for a certificate

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of naturalization under this Act, and it shall be lawful for the said secretary of state to grant such certificate to such naturalized alien upon the same terms and subject to the same conditions in and upon which such certificate might have been granted if such alien had not been previously naturalized in the United Kingdom.

Certificate of re-admission to British nationality.

8. A natural-born British subject who has become an alien in pursuance of this Act, and is in this Act referred to as a statutory alien, may, on performing the same conditions and adducing the same evidence as is required in the case of an alien applying for a certificate of nationality, apply to one of her Majesty's principal secretaries of state for a certificate hereinafter referred to as a certificate of re-admission to British nationality, re-admitting him to the status of a British subject. The said secretary of state shall have the same discretion as to the giving or withholding of the certificate as in the case of a certificate of naturalization, and an oath of allegiance shall in like manner be required previously to the issuing of the certificate.

A statutory alien to whom a certificate of re-admission to British nationality has been granted shall, from the date of the certificate of re-admission, but not in respect of any previous transaction, resume his position as a British subject; with this qualification, that within the limits of the foreign state of which he became a subject he shall not be deemed to be a British subject unless he has ceased to be a subject of that foreign state according to the laws thereof, or in pursuance of a treaty to that effect.

The jurisdiction by this Act conferred on the secretary of state in the United Kingdom in respect of the grant of a certificate of re-admission to British nationality, in the case of any statutory alien being in any British possession, may be exercised by the governor of such possession; and residence in such possession shall, in the case of such person, be deemed equivalent to residence in the United Kingdom.

Form of oath of allegiance.

9. The oath in this Act referred to as the oath of allegiance shall be in the form following; that is to say,

"I do swear that I will be faithful and "bear true allegiance to her Majesty Queen Victoria, her heirs "and successors, according to law. So help me GOD."

National Status of Married Women and Infant Children.

National status of married women and infant children.

10. The following enactments shall be made with respect to the national status of women and children:

(1.) A married woman shall be deemed to be a subject of the state of which her husband is for the time being a subject:

(2.) A widow being a natural-born British subject, who has become an alien by or in consequence of her marriage,

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shall be deemed to be a statutory alien, and may as such at any time during widowhood obtain a certificate of re-admission to British nationality in manner provided by this Act:

(3.) Where the father being a British subject, or the mother being a British subject and a widow, becomes an alien in pursuance of this Act, every child of such father or mother who during infancy has become resident in the country where the father or mother is naturalized, and has, according to the laws of such country, become naturalized therein, shall be deemed to be a subject of the state of which the father or mother has become a subject, and not a British subject:

(4.) Where the father, or the mother being a widow, has obtained a certificate of re-admission to British nationality, every child of such father or mother who during infancy has become resident in the British dominions with such father or mother, shall be deemed to have resumed the position of a British subject to all intents:

(5.) Where the father, or the mother being a widow, has obtained a certificate of naturalization in the United Kingdom, every child of such father or mother who during infancy has become resident with such father or mother in any part of the United Kingdom, shall be deemed to be a naturalized British subject.

Supplemental Provisions.

Regulations as to registration.

11. One of her Majesty's principal secretaries of state may by regulation provide for the following matters:—(1)

(1.) The form and registration of declarations of British nationality:

(2.) The form and registration of certificates of naturalization in the United Kingdom:

(3.) The form and registration of certificates of re-admission to British nationality:

(4.) The form and registration of declarations of alienage:

(5.) The registration by officers in the diplomatic or consular service of her Majesty of the births and deaths of British subjects who may be born or die out of her Majesty's dominions, and of the marriages of persons married at any of her Majesty's embassies or legations:

(6.) The transmission to the United Kingdom for the purpose of registration or safe keeping, or of being produced as evidence of any declarations or certificates made in pursuance of this Act out of the United Kingdom, or of any copies of such declarations or certificates, also of copies of entries contained in any register kept out of

(1) *See*, for an extension of the powers given under this section, 33 & 34 Vict. c. 102. s. 1., p. 499, *post*.

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the United Kingdom in pursuance of or for the purpose of carrying into effect the provisions of this Act:

(7.) With the consent of the Treasury the imposition and application of fees in respect of any registration authorized to be made by this Act, and in respect of the making any declaration of the grant of any certificate authorized to be made or granted by this Act.

The said secretary of state, by a further regulation,(1) may repeal, alter, or add to any regulation previously made by him in pursuance of this section.

Any regulation made by the said secretary of state in pursuance of this section shall be deemed to be within the powers conferred by this Act, and shall be of the same force as if it had been enacted in this Act, but shall not so far as respects the imposition of fees be in force in any British possession, and shall not, so far as respects any other matter, be in force in any British possesssion in which any Act or ordinance to the contrary of or inconsistent with any such direction may for the time being be in force.

Regulations as to evidence.

12. The following regulations shall be made with respect to evidence under this Act:—

(1.) Any declaration authorized to be made under this Act may be proved in any legal proceeding by the production of the original declaration, or of any copy thereof certified to be a true copy by one of her Majesty's principal secretaries of state, or by any person authorized by regulations of one of her Majesty's principal secretaries of state to give certified copies of such declaration, and the production of such declaration or copy shall be evidence of the person therein named as declarant having made the same at the date in the said declaration mentioned:

(2.) A certificate of naturalization may be proved in any legal proceeding by the production of the original certificate, or of any copy thereof certified to be a true copy by one of her Majesty's principal secretaries of state, or by any person authorized by regulations of one of her Majesty's principal secretaries of state to give certified copies of such certificate:

(3.) A certificate of re-admission to British nationality may be proved in any legal proceeding by the production of the original certificate, or of any copy thereof certified to be a true copy by one of her Majesty's principal secretaries of state, or by any person authorized by regulations of one of her Majesty's principal secretaries of state to give certified copies of such certificate:

(1) The two last paragraphs in this section apply to regulations made under 33 & 34 Vict. c. 102. s. 1., p. 499, *post*.

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(4.) Entries in any register authorized to be made in pursuance of this Act shall be proved by such copies and certified in such manner as may be directed by one of her Majesty's principal secretaries of state, and the copies of such entries shall be evidence of any matters by this Act or by any regulation of the said secretary of state authorized to be inserted in the register:

(5.) The Documentary Evidence Act, 1868,(1) shall apply to any regulation made by a secretary of state, in pursuance of or for the purpose of carrying into effect any of the provisions of this Act.

Miscellaneous.

Saving of letters of denization.

13. Nothing in this Act contained shall affect the grant of letters of denization by her Majesty.

Saving as to British ships.

14. Nothing in this Act contained shall qualify an alien to be the owner of a British ship.

Saving of allegiance prior to expatriation.

15. Where any British subject has in pursuance of this Act become an alien, he shall not thereby be discharged from any liability in respect of any acts done before the date of his so becoming an alien.

Power of colonies to legislate with respect to naturalization.

16. All laws, statutes, and ordinances which may be duly made by the legislature of any British possession for imparting to any person the privileges, or any of the privileges, of naturalization, to be enjoyed by such person within the limits of such possession, shall within such limits have the authority of law, but shall be subject to be confirmed or disallowed by her Majesty in the same manner, and subject to the same rules in and subject to which her Majesty has power to confirm or disallow any other laws, statutes, or ordinances in that possession.

Definition of terms.

17. In this Act, if not inconsistent with the context or subject-matter thereof,—

"Disability" shall mean the status of being an infant, lunatic, idiot, or married woman:

"British possession" shall mean any colony, plantation, island, territory, or settlement within her Majesty's dominions, and not within the United Kingdom, and all territories and places under one legislature are deemed to be one British possession for the purposes of this Act:

"The governor of any British possession" shall include any person exercising the chief authority in such possession:

"Officer in the diplomatic service of her Majesty" shall mean any ambassador, minister, or chargé d'affaires, or secretary of legation, or any person appointed by such ambassador, minister, chargé d'affaires, or secretary of legation to

(1) 31 & 32 Vict. c. 37., p. 434, *ante*.

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execute any duties imposed by this Act on an officer in the diplomatic service of her Majesty:

"Officer in the consular service of her Majesty" shall mean and include consul-general, consul, vice-consul, and consular agent, and any person for the time being discharging the duties of consul-general, consul, vice-consul, and consular agent.

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33 & 34 Victoria.—A.D. 1870.

CAP. XXIII.

An Act to abolish Forfeitures for Treason and Felony, and to otherwise amend the Law relating thereto.

[4th July 1870.]

WHEREAS it is expedient to abolish the forfeiture of lands and goods for treason and felony, and to otherwise amend the law relating thereto:

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Conviction for treason or felony to be a disqualification for offices, &c.

2. Provided nevertheless, that if any person hereafter convicted of treason or felony, for which he shall be sentenced to death, or penal servitude, or any term of imprisonment with hard labour, or exceeding twelve months, shall at the time of such conviction hold any military or naval office, or any civil office under the Crown or other public employment, or any ecclesiastical benefice, or any place, office, or emolument in any university, college, or other corporation, or be entitled to any pension or superannuation allowance payable by the public, or out of any public fund, such office, benefice, employment, or place shall forthwith become vacant, and such pension or superannuation allowance or emolument shall forthwith determine and cease to be payable, unless such person shall receive a free pardon from her Majesty, within two months after such conviction, or before the filling up of such office, benefice, employment, or place if given at a later period; and such person shall become, and (until he shall have suffered the punishment to which he had been sentenced, or such other punishment as by competent authority may be substituted for the same, or shall receive a free pardon from her Majesty), shall continue thenceforth incapable of holding any military or naval office, or any civil office under the Crown or other public employment, or any ecclesiastical benefice, or of being elected, or sitting, or voting as a member of either House of Parliament, or of exercising any right of suffrage or other parliamentary or municipal franchise whatever within England, Wales, or Ireland.

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33 & 34 Victoria.—A.D. 1870.

Cap. LXXVII.

An Act to amend the Laws relating to the qualifications, summoning, attendance, and remuneration of Special and Common Juries. [9th August 1870.]

WHEREAS it is expedient to amend the laws regulating the qualification, summoning, attendance, and remuneration of special and common juries in England and Wales, and otherwise to amend the laws as to trials by jury in England and Wales:

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Application of Act.

2. This Act shall not apply to Scotland or Ireland.

Persons exempt from serving on juries.

9. The inhabitants of the city and liberty of Westminster shall, as heretofore, be exempt from serving on any jury at the sessions of the peace for the county of Middlesex.

The persons described in the schedule hereto shall be severally exempt(1) as therein specified from being returned to serve and from serving upon any juries or inquests whatsoever, and their names shall not be inserted in the lists of the persons qualified and liable to serve on the same, but save as aforesaid, no man otherwise qualified to serve on such juries or inquests shall be exempt from serving thereon, any enactment, prescription, charter, grant, or writ to the contrary notwithstanding.

Disqualification or exemption to be pleaded before revision of list.

12. No person whose name shall be in the jury book as a juror shall be entitled to be excused from attendance on the ground of any disqualification or exemption other than illness not claimed by him at or before the revision of the list by the justices of the peace, and a notice to that effect shall be printed at the bottom of every jury list.

SCHEDULE.(2)

Persons exempt from serving on Juries.

Officers of the navy, army, militia, and yeomanry, while on full pay.

The members of the Mersey docks and harbour board.

The master, wardens, and brethren of the corporation of Trinity House, of Deptford Strond.

Pilots licensed by the Trinity House of Deptford Strond, Kingston-upon-Hull, or Newcastle-upon-Tyne, and all masters of vessels in the buoy and light service employed by either of those corporations, and all

(1) *See*, as to Ireland, 39 & 40 Vict. c. 78. s. 20. and first schedule, *post*. *See*, as to Scotland, 6 Geo. 4. c. 22. s. 2., p. 49, *ante*.

(2) Part of the schedule, containing exemptions which cannot, directly or indirectly, concern the Admiralty or the Navy, is omitted.

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pilots licensed under any Act of Parliament or charter for the regulation of pilots.

The household servants of her Majesty, her heirs and successors.

Officers of the post office, commissioners of customs, and officers, clerks, or other persons acting in the management or collection of the customs, commissioners of inland revenue, and officers or persons appointed by the commissioners of inland revenue or employed by them or under their authority or direction in any way relating to the duties of inland revenue.

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33 & 34 Victoria.—A.D. 1870.

Cap. XC.

An Act to regulate the conduct of her Majesty's Subjects during the existence of hostilities between foreign states with which Her Majesty is at peace.

[9th August 1870.]

WHEREAS it is expedient to make provision for the regulation of the conduct of her Majesty's subjects during the existence of hostilities between foreign states with which her Majesty is at peace:

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title of Act.

1. This Act may be cited for all purposes as "The Foreign Enlistment Act, 1870."

Application of Act.

2. This Act shall extend to all the dominions of her Majesty, including the adjacent territorial waters.

Commencement of Act.

3. This Act shall come into operation in the United Kingdom immediately on the passing thereof, and shall be proclaimed in every British possession by the governor thereof as soon as may be after he receives notice of this Act, and shall come into operation in that British possession on the day of such proclamation, and the time at which this Act comes into operation in any place is, as respects such place, in this Act referred to as the commencement of this Act.

Illegal Enlistment.

Penalty on enlistment in service of foreign state.

4. If any person, without the license of her Majesty, being a British subject, within or without her Majesty's dominions, accepts or agrees to accept any commission or engagement in the military or naval service of any foreign state at war with any foreign state at peace with her Majesty, and in this Act referred to as a friendly state, or whether a British subject or not within her Majesty's dominions, induces any other person to accept or

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agree to accept any commission or engagement in the military or naval service of any such foreign state as aforesaid,—

He shall be guilty of an offence against this Act, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour.

Penalty on leaving her Majesty's dominions with intent to serve a foreign state.

5. If any person, without the license of her Majesty, being a British subject, quits or goes on board any ship with a view of quitting her Majesty's dominions, with intent to accept any commission or engagement in the military or naval service of any foreign state at war with a friendly state, or whether a British subject or not, within her Majesty's dominions, induces any other person to quit or to go on board any ship with a view of quitting her Majesty's dominions with the like intent,—

He shall be guilty of an offence against this Act, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour.

Penalty on embarking persons under false representations as to service.

6. If any person induces any other person to quit her Majesty's dominions or to embark on any ship within her Majesty's dominions under a misrepresentation or false representation of the service in which such person is to be engaged, with the intent or in order that such person may accept or agree to accept any commission or engagement in the military or naval service of any foreign state at war with a friendly state,—

He shall be guilty of an offence against this Act, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour.

Penalty on taking illegally enlisted persons on board ship.

7. If the master or owner of any ship, without the license of her Majesty, knowingly either takes on board, or engages to take on board, or has on board such ship within her Majesty's dominions, any of the following persons, in this Act referred to as illegally enlisted persons; that is to say,

(1.) Any person who, being a British subject within or without the dominions of her Majesty, has, without the license of her Majesty, accepted or agreed to accept any commission or engagement in the military or naval service of any foreign state at war with any friendly state:

(2.) Any person, being a British subject, who, without the license of her Majesty, is about to quit her Majesty's dominions with intent to accept any commission or engagement in the military or naval service of any foreign state at war with a friendly state:

(3.) Any person who has been induced to embark under a misrepresentation or false representation of the service

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in which such person is to be engaged, with the intent or in order that such person may accept or agree to accept any commission or engagement in the military or naval service of any foreign state at war with a friendly state:

Such master or owner shall be guilty of an offence against this Act, and the following consequences shall ensue; that is to say,

(1.) The offender shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour: and

(2.) Such ship shall be detained until the trial and conviction or acquittal of the master or owner, and until all penalties inflicted on the master or owner have been paid, or the master or owner has given security for the payment of such penalties to the satisfaction of two justices of the peace, or other magistrate or magistrates having the authority of two justices of the peace: and

(3.) All illegally enlisted persons shall immediately on the discovery of the offence be taken on shore, and shall not be allowed to return to the ship.

Illegal Shipbuilding and Illegal Expeditions.

Penalty on illegal shipbuilding and illegal expeditions.

8. If any person within her Majesty's dominions, without the license of her Majesty, does any of the following acts; that is to say,—

(1.) Builds or agrees to build, or causes to be built, any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign state at war with any friendly state: or

(2.) Issues or delivers any commision for any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign state at war with any friendly state: or

(3.) Equips any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign state at war with any friendly state: or

(4.) Despatches, or causes or allows to be despatched, any ship with intent or knowledge, or having reasonable cause to believe that the same shall or will be employed in the military or naval service of any foreign state at war with any friendly state:

Such person shall be deemed to have committed an offence against this Act, and the following consequences shall ensue:

(1.) The offender shall be punishable by fine and imprisonment, or either of such punishments, at the discretion

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of the court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour:

(2.) The ship in respect of which any such offence is committed, and her equipment, shall be forfeited to her Majesty.

Provided that a person building, causing to be built, or equipping a ship in any of the cases aforesaid, in pursuance of a contract made before the commencement of such war as aforesaid, shall not be liable to any of the penalties imposed by this section in respect of such building or equipping if he satisfies the conditions following; (that is to say,)

(1.) If forthwith upon a proclamation of neutrality being issued by her Majesty he gives notice to the secretary of state that he is so building, causing to be built, or equipping such ship, and furnishes such particulars of the contract and of any matters relating to, or done, or to be done under the contract as may be required by the secretary of state:

(2.) If he gives such security, and takes and permits to be taken such other measures, if any, as the secretary of state may prescribe for ensuring that such ship shall not be despatched, delivered, or removed without the license of her Majesty until the termination of such war as aforesaid.

Presumption as to evidence in case of illegal ship.

9. Where any ship is built by order of or on behalf of any foreign state when at war with a friendly state, or is delivered to or to the order of such foreign state, or any person who to the knowledge of the person building is an agent of such foreign state, or is paid for by such foreign state or such agent, and is employed in the military or naval service of such foreign state, such ship shall, until the contrary is proved, be deemed to have been built with a view to being so employed, and the burden shall lie on the builder of such ship of proving that he did not know that the ship was intended to be so employed in the military or naval service of such foreign state.

Penalty on aiding the warlike equipment of foreign ships.

10. If any person within the dominions of her Majesty, and without the license of her Majesty,—

By adding to the number of the guns, or by changing those on board for other guns, or by the addition of any equipment for war, increases or augments, or procures to be increased or augmented, or is knowingly concerned in increasing or augmenting the warlike force of any ship which at the time of her being within the dominions of her Majesty was a ship in the military or naval service of any foreign state at war with any friendly state,—

Such person shall be guilty of an offence against this Act, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the court before

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which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour.

Penalty on fitting out naval or military expeditions without license.

11. If any person within the limits of her Majesty's dominions, and without the license of her Majesty,—

Prepares or fits out any naval or military expedition to proceed against the dominions of any friendly state, the following consequences shall ensue:

(1.) Every person engaged in such preparation or fitting out, or assisting therein, or employed in any capacity in such expedition, shall be guilty of an offence against this Act, and shall be punishable by fine and imprisonment, or either of such punishments, at the discretion of the court before which the offender is convicted; and imprisonment, if awarded, may be either with or without hard labour.

(2.) All ships, and their equipments, and all arms and munitions of war, used in or forming part of such expedition, shall be forfeited to her Majesty.

Punishment of accessories.

12. Any person who aids, abets, counsels, or procures the commission of any offence against this Act shall be liable to be tried and punished as a principal offender.

Limitation of term of imprisonment.

13. The term of imprisonment to be awarded in respect of any offence against this Act shall not exceed two years.

Illegal Prize.

Illegal prize brought into British ports restored.

14. If, during the continuance of any war in which her Majesty may be neutral, any ship, goods, or merchandize captured as prize of war, within the territorial jurisdiction of her Majesty, in violation of the neutrality of this realm, or captured by any ship which may have been built, equipped, commissioned, or despatched, or the force of which may have been augmented, contrary to the provisions of this Act, are brought within the limits of her Majesty's dominions by the captor, or any agent of the captor, or by any person having come into possession, thereof with knowledge that the same was prize of war so captured as aforesaid, it shall be lawful for the original owner of such prize, or his agent, or for any person authorized in that behalf by the government of the foreign state to which such owner belongs, to make application to the Court of Admiralty for seizure and detention of such prize, and the court shall, on due proof of the facts, order such prize to be restored.

Every such order shall be executed and carried into effect in the same manner, and subject to the same right of appeal, as in case of any order made in the exercise of the ordinary jurisdiction of such court; and in the meantime and until a final order has been made on such application, the court shall have power to make all such provisional and other orders as to the care or custody of such captured ship, goods, or merchandize, and (if the same be of perishable nature, or incurring risk of deterioration)

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for the sale thereof, and with respect to the deposit or investment of the proceeds of any such sale, as may be made by such court in the exercise of its ordinary jurisdiction.

General Provision.

License by her Majesty how granted.

15. For the purposes of this Act, a license by her Majesty shall be under the sign manual of her Majesty, or be signified by order in council or by proclamation of her Majesty.

Legal Procedure.

Jurisdiction in respect of offences by persons against Act.

16. Any offence against this Act shall, for all purposes of and incidental to the trial and punishment of any person guilty of any such offence, be deemed to have been committed either in the place in which the offence was wholly or partly committed, or in any place within her Majesty's dominions in which the person who committed such offence may be.

Venue in respect of offences by persons.
24 & 25 Vict. c. 97.

17. Any offence against this Act may be described in any indictment or other document relating to such offence, in cases where the mode of trial requires such a description, as having been committed at the place where it was wholly or partly committed, or it may be averred generally to have been committed within her Majesty's dominions, and the venue or local description in the margin may be that of the county, city, or place in which the trial is held.

Power to remove offenders for trial.

18. The following authorities, that is to say, in the United Kingdom any judge of a superior court, in any other place within the jurisdiction of any British court of justice, such court, or, if there are more courts than one, the court having the highest criminal jurisdiction in that place, may, by warrant or instrument in the nature of a warrant in this section included in the term "warrant," direct that any offender charged with an offence against this Act shall be removed to some other place in her Majesty's dominions for trial in cases where it appears to the authority granting the warrant that the removal of such offender would be conducive to the interests of justice, and any prisoner so removed shall be triable at the place to which he is removed in the same manner as if his offence had been committed at such place.

Any warrant for the purposes of this section may be addressed to the master of any ship or to any other person or persons, and the person or persons to whom such warrant is addressed shall have power to convey the prisoner therein named to any place or places named in such warrant, and to deliver him, when arrived at such place or places, into the custody of any authority designated by such warrant.

Every prisoner shall, during the time of his removal under any such warrant as aforesaid, be deemed to be in the legal custody of the person or persons empowered to remove him.

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Jurisdiction in respect of forfeiture of ships for offences against Act.

19. All proceedings for the condemnation and forfeiture of a ship, or ship and equipment, or arms and munitions of war, in pursuance of this Act, shall require the sanction of the secretary of state or such chief executive authority as is in this Act mentioned, and shall be had in the Court of Admiralty, and not in any other court; and the Court of Admiralty shall, in addition to any power given to the court by this Act, have in respect of any ship or other matter brought before it in pursuance of this Act all powers which it has in the case of a ship or matter brought before it in the exercise of its ordinary jurisdiction.

Regulations as to proceedings against the offender and against the ship.

20. Where any offence against this Act has been committed by any person by reason whereof a ship, or ship and equipment, or arms and munitions of war, has or have become liable to forfeiture, proceedings may be instituted contemporaneously or not, as may be thought fit, against the offender in any court having jurisdiction of the offence, and against the ship, or ship and equipment, or arms and munitions of war, for the forfeiture in the Court of Admiralty; but it shall not be necessary to take proceedings against the offender because proceedings are instituted for the forfeiture, or to take proceedings for the forfeiture because proceedings are taken against the offender.

Officers authorised to seize offending ships.

21. The following officers, that is to say,

(1.) Any officer of customs in the United Kingdom, subject nevertheless to any special or general instructions from the commissioners of customs or any officer of the Board of Trade, subject nevertheless to any special or general instructions from the Board of Trade;

(2.) Any officer of customs or public officer in any British possession, subject nevertheless to any special or general instructions from the governor of such possession;

(3.) Any commissioned officer on full pay in the military service of the Crown, subject nevertheless to any special or general instructions from his commanding officer;

(4.) Any commissioned officer on full pay in the naval service of the Crown, subject nevertheless to any special or general instructions from the Admiralty or his superior officer,

may seize or detain any ship liable to be seized or detained in pursuance of this Act, and such officers are in this Act referred to as the "local authority"; but nothing in this Act contained shall derogate from the power of the Court of Admiralty to direct any ship to be seized or detained by any officer by whom such court may have power under its ordinary jurisdiction to direct a ship to be seized or detained.

Powers of officers authorised to seize ships.

22. Any officer authorised to seize or detain any ship in respect of any offence against this Act may, for the purpose of enforcing such seizure or detention, call to his aid any constable

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or officers of police, or any officers of her Majesty's army or navy or marines, or any excise officers or officers of customs, or any harbour-master or dock-master, or any officers having authority by law to make seizures of ships, and may put on board any ship so seized or detained any one or more of such officers to take charge of the same, and to enforce the provisions of this Act, and any officer seizing or detaining any ship under this Act may use force, if necessary, for the purpose of enforcing seizure or detention, and if any person is killed or maimed by reason of his resisting such officer in the execution of his duties, or any person acting under his orders, such officer so seizing or detaining the ship, or other person, shall be freely and fully indemnified as well against the Queen's Majesty, her heirs and successors, as against all persons so killed, maimed, or hurt.

Special power of secretary of state or chief executive authority to detain ship.

23. If the secretary of state or the chief executive authority is satisfied that there is a reasonable and probable cause for believing that a ship within her Majesty's dominions has been or is being built, commissioned, or equipped contrary to this Act, and is about to be taken beyond the limits of such dominions, or that a ship is about to be despatched contrary to this Act, such secretary of state or chief executive authority shall have power to issue a warrant stating that there is reasonable and probable cause for believing as aforesaid, and upon such warrant the local authority shall have power to seize and search such ship, and to detain the same until it has been either condemned or released by process of law, or in manner hereinafter mentioned.

The owner of the ship so detained, or his agent, may apply to the Court of Admiralty for its release, and the court shall as soon as possible put the matter of such seizure and detention in course of trial between the applicant and the Crown.

If the applicant establish to the satisfaction of the court that the ship was not and is not being built, commissioned, or equipped, or intended to be despatched contrary to this Act, the ship shall be released and restored.

If the applicant fail to establish to the satisfaction of the court that the ship was not and is not being built, commissioned, or equipped, or intended to be despatched contrary to this Act, then the ship shall be detained till released by order of the secretary of state or chief executive authority.

The court may in cases where no proceedings are pending for its condemnation release any ship detained under this section on the owner giving security to the satisfaction of the court that the ship shall not be employed contrary to this Act, notwithstanding that the applicant may have failed to establish to the satisfaction of the court that the ship was not and is not being built, commissioned, or intended to be despatched contrary to this Act. The secretary of state or the chief executive authority may likewise release any ship detained under this section on the owner giving security to the satisfaction of such secretary of

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state or chief executive authority that the ship shall not be employed contrary to this Act, or may release the ship without such security if the secretary of state or chief executive authority think fit so to release the same.

If the court be of opinion that there was not reasonable and probable cause for the detention, and if no such cause appear in the course of the proceedings, the court shall have power to declare that the owner is to be indemnified by the payment of costs and damages in respect of the detention, the amount thereof to be assessed by the court, and any amount so assessed shall be payable by the commissioners of the Treasury out of any moneys legally applicable for that purpose. The Court of Admiralty shall also have power to make a like order for the indemnity of the owner, on the application of such owner to the court, in a summary way, in cases where the ship is released by the order of the secretary of state or the chief executive authority, before any application is made by the owner or his agent to the court for such release.

Nothing in this section contained shall affect any proceedings instituted or to be instituted for the condemnation of any ship detained under this section where such ship is liable to forfeiture, subject to this provision, that if such ship is restored in pursuance of this section all proceedings for such condemnation shall be stayed; and where the court declares that the owner is to be indemnified by the payment of costs and damages for the detainer, all costs, charges, and expenses incurred by such owner in or about any proceedings for the condemnation of such ship shall be added to the costs and damages payable to him in respect of the detention of the ship.

Nothing in this section contained shall apply to any foreign non-commissioned ship despatched from any part of her Majesty's dominions after having come within them under stress of weather or in the course of a peaceful voyage, and upon which ship no fitting out or equipping of a warlike character has taken place in this country.

Special power of local authority to detain ship.

24. Where it is represented to any local authority, as defined by this Act, and such local authority believes the representation, that there is a reasonable and probable cause for believing that a ship within her Majesty's dominions has been or is being built, commissioned, or equipped contrary to this Act, and is about to be taken beyond the limits of such dominions, or that a ship is about to be despatched contrary to this Act, it shall be the duty of such local authority to detain such ship, and forthwith to communicate the fact of such detention to the secretary of state or chief executive authority.

Upon the receipt of such communication the secretary of state or chief executive authority may order the ship to be released if he thinks there is no cause for detaining her, but if satisfied that there is reasonable and probable cause for believing that such ship was built, commissioned, or equipped or intended to be

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despatched in contravention of this Act, he shall issue his warrant stating that there is reasonable and probable cause for believing as aforesaid, and upon such warrant being issued further proceedings shall be had as in cases where the seizure or detention has taken place on a warrant issued by the secretary of state without any communication from the local authority.

Where the secretary of state or chief executive authority orders the ship to be released on the receipt of a communication from the local authority without issuing his warrant, the owner of the ship shall be indemnified by the payment of costs and damages in respect of the detention, upon application to the Court of Admiralty in a summary way, in like manner as he is entitled to be indemnified where the secretary of state having issued his warrant under this Act releases the ship before any application is made by the owner or his agent to the court for such release.

Power of secretary of state or executive authority to grant search warrant.

25. The secretary of state or the chief executive authority may, by warrant, empower any person to enter any dockyard or other place within her Majesty's dominions, and inquire as to the destination of any ship which may appear to him to be intended to be employed in the naval or military service of any foreign state at war with a friendly state, and to search such ship.

Exercise of powers of secretary of state or chief executive authority.

26. Any powers or jurisdiction by this Act given to the secretary of state may be exercised by him throughout the dominions of her Majesty, and such powers and jurisdiction may also be exercised by any of the following officers, in this Act referred to as the chief executive authority, within their respective jurisdictions; that is to say,

(1.) In Ireland by the lord lieutenant or other the chief governor or governors of Ireland for the time being, or the chief secretary to the lord lieutenant:

(2.) In Jersey by the lieutenant governor:

(3.) In Guernsey, Alderney, and Sark, and the dependent islands, by the lieutenant governor:

(4.) In the Isle of Man by the lieutenant governor:

(5.) In any British possession by the governor.

A copy of any warrant issued by a secretary of state or by any officer authorised in pursuance of this Act to issue such warrant in Ireland, the Channel Islands, or the Isle of Man shall be laid before Parliament.

Appeal from Court of Admiralty.

27. An appeal may be had from any decision of a Court of Admiralty under this Act to the same tribunal and in the same manner to and in which an appeal may be had in cases within the ordinary jurisdiction of the court as a Court of Admiralty.

Indemnity [illegible] rs.

28. Subject to the provisions of this Act providing for the award of damages in certain cases in respect of the seizure or

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detention of a ship by the Court of Admiralty, no damages shall be payable, and no officer or local authority shall be responsible, either civilly or criminally, in respect of the seizure or detention of any ship in pursuance of this Act.

Indemnity to secretary of state or chief executive authority.

29. The secretary of state shall not, nor shall the chief executive authority, be responsible in any action or other legal proceedings whatsoever for any warrant issued by him in pursuance of this Act, or be examinable as a witness, except at his own request, in any court of justice in respect of the circumstances which led to the issue of the warrant.

Interpretation Clause.

Interpretation of terms.

30. In this Act, if not inconsistent with the context, the following terms have the meanings herein-after respectively assigned to them; that is to say,

"Foreign state" includes any foreign prince, colony, province, or part of any province or people, or any person or persons exercising or assuming to exercise the powers of government in or over any foreign country, colony, province, or part of any province or people: "Foreign state:"

"Military service" shall include military telegraphy and any other employment whatever, in or in connexion with any military operation: "Military service:"

"Naval service" shall, as respects a person, include service as a marine, employment as a pilot in piloting or directing the course of a ship of war or other ship, when such ship of war or other ship is being used in any military or naval operation, and any employment whatever on board a ship of war, transport, store ship, privateer, or ship under letters of marque; and as respects a ship, include any user of a ship as a transport, store ship, privateer, or ship under letters of marque: "Naval service:"

"United Kingdom" includes the Isle of Man, the Channel Islands, and other adjacent islands: "United Kingdom:"

"British possession" means any territory, colony, or place being part of her Majesty's dominions, and not part of the United Kingdom, as defined by this Act: "British possession:"

"The secretary of state" shall mean any one of her Majesty's principal secretaries of state: "The secretary of state:"

"The governor" shall as respects India mean the governor general or the governor of any presidency, and where a British possession consists of several constituent colonies, mean the governor general of the whole possession or the governor of any of the constituent colonies, and as respects any other British possession it shall mean the officer for the time being administering the government of such possession; also any person acting for or in the capacity of a governor shall be included under the term "governor": "Governor:"

"Court of Admiralty" shall mean the High Court of Admiralty of England or Ireland, the Court of Session of "Court of Admiralty:"

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Scotland, or any vice-admiralty court within her Majesty's dominions:

"Ship:" "Ship" shall include any description of boat, vessel, floating battery, or floating craft; also any description of boat, vessel, or other craft or battery, made to move either on the surface of or under water, or sometimes on the surface of and sometimes under water:

"Building:" "Building" in relation to a ship shall include the doing any act towards or incidental to the construction of a ship, and all words having relation to building shall be construed accordingly:

"Equipping:" "Equipping" in relation to a ship shall include the furnishing a ship with any tackle, apparel, furniture, provisions, arms, munitions, or stores, or any other thing which is used in or about a ship for the purpose of fitting or adapting her for the sea or for naval service, and all words relating to equipping shall be construed accordingly:

"Ship and equipment:" "Ship and equipment" shall include a ship and everything in or belonging to a ship:

"Master." "Master" shall include any person having the charge or command of a ship.

Repeal of Acts, and Saving Clauses.

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Saving as to commissioned foreign ships.

32. Nothing in this Act contained shall subject to forfeiture any commissioned ship of any foreign state, or give to any British court over or in respect of any ship entitled to recognition as a commissioned ship of any foreign state any jurisdiction which it would not have had if this Act had not passed.

Penalties not to extend to persons entering into military service in Asia. 59 Geo. 3. c. 69. s. 12.

33. Nothing in this Act contained shall extend or be construed to extend to subject to any penalty any person who enters into the military service of any prince, state, or potentate in Asia, with such leave or license as is for the time being required by law in the case of subjects of her Majesty entering into the military service of princes, states, or potentates in Asia.

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33 & 34 Victoria.—A.D. 1870.

CAP. XCV.

An Act to authorise the carriage of Naval and Military Stores in Passenger Ships. [9th August 1870.]

18 & 19 Vict. c. 119. s. 29.

WHEREAS by section twenty-nine of the Passengers Act, 1855, it is enacted that "no passenger ship shall clear out "or proceed to sea if there shall be on board as cargo, horses, "cattle, gunpowder, vitriol, lucifer matches, guano, or green "hides, nor if there shall be on board any other article or

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" number of articles, whether as cargo or ballast, which by " reason of the nature or quantity or mode of stowage thereof, " shall, either singly or collectively, be deemed by the emigration " officer at the port of clearance likely to endanger the health or " lives of the passengers, or the safety of the ship:"

And whereas it is expedient that any of her Majesty's principal secretaries of state should be empowered to authorise the carriage in passenger ships of naval and military stores whenever requisite for the public service:

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as The Passengers Act Amendment Act, 1870.

Construction of Act.

2. This Act shall be construed as one with the Passengers Act, 1855,(1) (in this Act referred to as the principal Act,) and the Passengers Act Amendment Act, 1863.(2)

Authority by secretary of state to carry naval and military stores in passenger ships.

3. Any one of her Majesty's principal secretaries of state may, by order under his hand, authorise the carriage as cargo in any passenger ship, (subject to such conditions and directions as may be specified in the order) of naval and military stores for the public service, and such stores may, notwithstanding anything contained in the principal Act, be carried accordingly in such passenger ship.

Such order shall be addressed to the emigration officer or person performing the duties of emigration officer at the port of clearance, and shall be by him countersigned and delivered to the master of the passenger ship to which it refers, and shall be delivered up by the master to the chief officer of customs at the port where the stores are discharged.

The master shall comply with all the conditions and directions specified in the order, and non-compliance therewith shall be deemed non-compliance with the requirements of the said section twenty-nine of the principal Act.

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33 & 34 Victoria.—A.D. 1870.

Cap. XCVII.

An Act for granting certain Stamp Duties in lieu of Duties of the same kind now payable under various Acts, and consolidating and amending Provisions relating thereto. [10th August 1870.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and

(1) 18 & 19 Vict. c. 119. (2) 26 & 27 Vict. c. 51.

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temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title, and commencement of Act.

1. This Act may be cited as "The Stamp Act, 1870," and shall come into operation on the first day of January one thousand eight hundred and seventy-one, which date is herein-after referred to as the commencement of this Act.

Interpretation of terms.

2. In the construction and for the purposes of this Act the following words have the meanings by this section assigned to them, unless it is otherwise provided, or there be something in the context repugnant thereto:

(1.) "The commissioners" means the commissioners of inland revenue:

(2.) "Material" means and includes every sort of material upon which words or figures can be expressed:

(3.) "Write," "written," and "writing" include every mode in which words or figures can be expressed upon material:

(4.) "Instrument" means and includes every written document:

(5.) "Stamp" means as well a stamp impressed by means of a die as an adhesive stamp:

(6.) "Stamped," with reference to instruments and material, applies as well to instruments and material impressed with stamps by means of a die as to instruments and material having adhesive stamps affixed thereto:

(7.) "Executed" and "execution," with reference to instruments not under seal, mean signed and signature:

(8.) "Money" includes all sums expressed in British or in any foreign or colonial currency:

(9.) "Stock" means and includes any share in any stocks or funds transferable at the Bank of England or at the Bank of Ireland, and India promissory notes, and any share in the stocks or funds of any foreign or colonial state or government, or in the capital stock or funded debt of any company, corporation, or society in the United Kingdom, or of any foreign or colonial company, corporation, or society:

(10.) "Marketable security" means a security of such a description as to be capable of being sold in any stock market in the United Kingdom:

(11.) "Person" includes company, corporation, and society:

(12.) "Steward" of a manor includes deputy steward.

Grant of duties in schedule.

3. From and after the commencement of this Act, and subject to the exemptions contained in the schedule to this Act, and in any other Acts for the time being in force, there shall be charged for the use of her Majesty, her heirs and successors, upon the several instruments specified in the schedule to this Act, the several duties in the said schedule specified, and no other duties.

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4. Any instrument which by any Act heretofore passed, and not relating to stamp duties, is specifically charged with the duty of thirty-five shillings, shall, from and after the commencement of this Act, be chargeable only with the duty of ten shillings in lieu of the said duty of thirty-five shillings. As to instruments charged with the duty of 35*s.*

5. Except where express provision to the contrary is made by this or any other Act, an instrument relating to property belonging to the Crown, or being the private property of the Sovereign, is to be charged with the same duty as an instrument of the same kind relating to property belonging to a subject. As to instruments relating to property belonging to the Crown.

6. (1.) All stamp duties which may from time to time be chargeable by law upon any instruments are to be paid and denoted according to the general and special regulations in this Act contained. All duties to be paid according to the regulations of this Act, and the schedule to be read as part of this Act.

(2.) The said schedule, and everything therein contained, is to be read and construed as part of this Act.

SCHEDULE.

	£	*s.*	*d.*
APPRENTICESHIP, instrument of.			
Where there is no premium or consideration - -	0	2	6
In any other case—			
For every 5*l.*, and also for any fractional part of 5*l.*, of the amount or value of the premium or consideration - - - - - -	0	5	0
Exemptions.			
(1.) Instrument relating to any poor child apprenticed by, or at the sole charge of, any parish or township, or by or at the sole charge of any public charity, or pursuant to any Act for the regulation of parish apprentices.(1)			
BILL OF EXCHANGE—			
Payable on demand - - - - -	0	0	1
BILL OF EXCHANGE of any other kind whatsoever (except a bank note) and PROMISSORY NOTE of any kind whatsoever (except a bank note)—drawn, or expressed to be payable, or actually paid, or endorsed, or in any manner negotiated in the United Kingdom:			
Where the amount or value of the money for which the bill or note is drawn or made does not exceed 5*l.* - - - - - -	0	0	1
Exceeds 5*l.* and does not exceed 10*l.* - -	0	0	2
„ 10*l.* „ 25*l.* - -	0	0	3
„ 25*l.* „ 50*l.* - -	0	0	6
„ 50*l.* „ 75*l.* - -	0	0	9
„ 75*l.* „ 100*l.* - -	0	1	0
„ 100*l.*—			
for every 100*l.*, and also for any fractional part of 100*l.*, of such amount or value - -	0	1	0

(1) *See*, as to apprenticeship of boys in the naval service by guardians of the poor, 14 & 15 Vict. c. 35. s. 10., p. 128, *ante*.

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Exemptions.

(7.) Bill(1) drawn by the lords commissioners of the Admiralty, or by any person under their authority * * * * * * * upon and payable by the accountant general of the navy.

	£	s.	d.
BOND on obtaining letters of administration in England or Ireland, or a confirmation of testament in Scotland -	0	5	0

Exemptions.

(1.) Bond(2) given by the widow, child, father, mother, brother, or sister, of any common seaman, marine, or soldier, slain or dying in the service of her Majesty, her heirs or successors.

(2.) Bond given by any person where the estate to be administered does not exceed 100*l.* in value.(3)

COMMISSION granted by her Majesty, her heirs or successors, or by any person or persons duly authorized by her or them, to any officer in the army, or in the corps of Royal Marines - - - - - - - -	1	10	0
COMMISSION granted by the lords commissioners of the Admiralty to any officer in the navy - - - -	0	5	0
DUPLICATE or COUNTERPART of any instrument chargeable with any duty. Where such duty does not amount to 5*s.* - -	The same duty as the original instrument.		
In any other case - - - - - -	0	5	0
LETTERS OF MARQUE AND REPRISAL - - - -	5	0	0
RECEIPT given for, or upon the payment of, money amounting to 2*l.* or upwards - - - - -	0	0	1

Exemptions.

(4.) Receipt(4) given by the accountant general of the navy for any money received by him for the service of the navy.

(6.) Receipt given by any officer, seaman, marine, or soldier, or his representatives, for or on account of any wages, pay, or pension, due from the Admiralty or army pay office.

(14.) Receipt indorsed upon any bill drawn by the lords commissioners of the Admiralty, or by any person under their authority, or under the authority of any Act of Parliament upon and payable by the accountant general of the navy.

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(1) *See* for other exemptions as to bills, the Merchant Shipping Act, 1854 (17 & 18 Vict. c. 104.), s. 215., p. 195, *ante*, the Naval Agency and Distribution Act, 1864 (27 & 28 Vict. c. 24.), s. 16., p. 343, *ante*, and the Naval and Marine Pay and Pensions Act, 1865 (28 & 29 Vict. c. 73.), s. 6., p. 376, *ante*.

(2) *See* for other exemptions as to bonds, the Merchant Shipping Act, 1854 (17 & 18 Vict. c. 104.), s. 495., p. 226, *ante*, the Navy and Marine (Property of Deceased) Act, 1865 (28 & 29 Vict. c. 111.), s. 15., p. 391, *ante*.

(3) *See* 28 & 29 Vict. c. 111. s. 15., p. 391, *ante*.

(4) *See* for other exemptions as to receipts, 27 & 28 Vict. c. 24. s. 16., p. 343, *ante*; 28 & 29 Vict. c. 73. s. 6., p. 376, *ante*.

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33 & 34 Victoria.—A.D. 1870.

CAP. CII.

An Act to amend the Law relating to the taking of Oaths of Allegiance on Naturalization.(1)

[10th August 1870.]

WHEREAS it is expedient to amend the law relating to the taking of oaths of allegiance under the Naturalization Act, 1870: 33 & 34 Vict. c. 14.

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Regulations as to oaths of allegiance.

1. The power of making regulations vested in one of her Majesty's principal secretaries of state(2) by the Naturalization Act, 1870, shall extend to prescribing as follows:

(1.) The persons by whom the oaths of allegiance may be administered under that Act:

(2.) Whether or not such oaths are to be subscribed as well as taken, and the form in which such taking and subscription are to be attested:

(3.) The registration of such oaths:

(4.) The persons by whom certified copies of such oaths may be given:

(5.) The transmission to the United Kingdom for the purpose of registration or safe keeping or of being produced as evidence of any oaths taken in pursuance of the said Act out of the United Kingdom, or of any copies of such oaths, also of copies of entries of such oaths contained in any register kept out of the United Kingdom in pursuance of this Act:

(6.) The proof in any legal proceeding of such oaths:

(7.) With the consent of the Treasury, the imposition and application of fees in respect of the administration or registration of any such oath.

The two last paragraphs in the eleventh section of the Naturalization Act, 1870, shall apply to regulations made under this Act.

Penalty on making false declaration.

2. Any person wilfully and corruptly making or subscribing any declaration under the Naturalization Act, 1870, knowing the same to be untrue in any material particular, shall be guilty of a misdemeanor, and be liable to imprisonment with or without hard labour for any term not exceeding twelve months.

(1) *See* the Naturalization Act, 1870, 33 & 34 Vict. c. 14., p. 473, *ante*, and the Naturalization Act, 1872, 35 & 36 Vict. c. 39., p. 523, *post*.

(2) *See* 33 & 34 Vict. c. 14. s. 11., p. 478, *ante*.

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Construction and short title of Act.

3. This Act shall be termed the Naturalization Oath Act, 1870, and shall be construed as one with the Naturalization Act, 1870, and may be cited together with that Act as the Naturalization Acts, 1870.

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34 & 35 Victoria.—A.D. 1871.

CAP. XXXVI.

An Act to extend the provisions of the Pension Commutation Acts, 1869 and 1870, to certain Public Civil Officers, and to consolidate and amend the said Acts. [29th June 1871.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Pensions Commutation Act, 1871."(1)

Definition of terms.

2. In this Act—

The term "the Treasury" means the Commissioners of her Majesty's Treasury for the time being, or any two or more of them:

The term "pension" includes any half-pay, compensation allowance, superannuation or retirement allowance, or other payment of the like nature:

The term "officer" means commissioned officer and warrant officer in the army and navy, and subordinate officer in the navy:

The term "public civil office" means any office other than that of an officer in her Majesty's naval or land forces, the holder of which is paid his remuneration out of moneys provided by Parliament for supply services.

Application of Act.

3. This Act shall apply only—

(1.) To officers in her Majesty's naval or land forces; and

(2.) To persons who have retired or have been removed from public civil offices in consequence of the abolition of their offices, or for the purpose of facilitating improvements in the organization of the departments to which they belonged, and to whom annual pensions have been granted by way of compensation for such retirement or removal.

Power to Treasury to commute pensions.

4. It shall be lawful for the Treasury, in accordance with such regulations as they may from time to time make, on the appli-

(1) *See* 4 & 5 Will. 4. c. 24., p. 76, *ante*; 22 Vict. c. 26., p. 264, *ante*; 35 & 36 Vict. c. 12., p. 514, *post*, and 45 & 46 Vict. c. 44., *post*.

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cation of any person to whom this Act applies, to commute his pension(1) by the payment of a capital sum of money, calculated according to the estimated duration of the life of the pension-holder, subject to the following provisions:

(1.) In calculating the amount payable in respect of the commutation of any pension, the following rules shall be observed:

(*a.*) The age of the pension-holder shall be reckoned at the age he will attain on the birthday next succeeding his application for commutation;

(*b.*) In the case of impaired lives, years shall be added to the age of the pension-holder for the purpose of calculating the amount of commutation payable to him; and in like manner a deduction from age shall be made as an equivalent for the right to prospective increase of the pension to be commuted;

(*c.*) In calculating the amount payable in respect of any pension, interest shall be reckoned at a rate of not less than five pounds per centum per annum:

(2.) Where any officer in the naval or land forces of her Majesty whose pension has been commuted under this Act subsequently marries, his widow shall not be entitled to any pension, and a child of any such officer born after the date of the commutation of his pension shall not be entitled to compassionate allowance:

(3.) Save as aforesaid, nothing in this Act contained shall be held to deprive the wife or children of any officer whose pension may be commuted of any reversionary right to pension or compassionate allowance to which she or they may be entitled:

(4.) No application for the commutation of a pension shall be received unless it be accompanied, in the case of an officer who has belonged to her Majesty's naval forces, by a recommendation from the Admiralty, and in the case of an officer who has belonged to her Majesty's land forces, by a recommendation from the War Office, and in the case of any other person, by a recommendation from the head of the department to which the applicant belongs, unless the Treasury otherwise direct.

Commutation board constituted.

5. There shall be constituted for the purpose of advising on the cases of applicants for commutation of pensions under this Act a board, in this Act called "the commutation board."

The commutation board shall consist of the comptroller-general for the time being of the National Debt office, and of four other persons to be from time to time appointed by the Treasury.

The Treasury may from time to time appoint, and remove, an actuary, medical referees, and such other officers or servants

(1) Wherever the Treasury have power in pursuance of this Act to commute the pension of any person the Treasury have also power to commute a portion of such pension, *see* 45 & 46 Vict. c. 44. s. 3., *post*.

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as they may consider necessary, and may pay them such remuneration as they may think fit.

The commutation board shall inquire into and report to the Treasury upon the cases of applicants for commutation under this Act in such manner as the Treasury directs.

Payment of commutation moneys.

6. The commissioners for the reduction of the national debt, with the consent of the Treasury, may pay the amounts awarded as commutations of pensions out of any funds for the time being in their hands under the authority of the Act of the twenty-fourth year of the reign of her present Majesty, chapter fourteen, and the Act of the session of the twenty-sixth and twenty-seventh years of the same reign, chapter eighty-seven, or either of such Acts.

Power to Treasury to make regulations.

7. Subject to the provisions of this Act, the Treasury may from time to time make, alter, or revoke regulations as to the following matters:

(1.) The rules according to which applications for commutation are to be made or, on payment of a prescribed fee, to be withdrawn:

(2.) The tables according to which the duration of life of applicants for commutation is to be calculated for the purposes of this Act:

(3.) The terms upon which pensions are to be commuted, and the cases in which commutation is to be refused.

Moneys paid for commutation of pensions to be repaid by annuities.

8. An account shall be made up annually of the amount paid by the commissioners for the reduction of the national debt for the commutation of pensions under this Act, and a terminable annuity shall be annually paid, out of the votes of Parliament upon which the respective pensions were chargeable previous to commutation, to the commissioners for the reduction of the national debt of an amount sufficient to repay to the said commissioners, at the expiration of ten years, the amount advanced by them, together with interest thereon at a rate of not less than three and a half per centum per annum, and the amount of the annuity payable in respect of the commutation of pensions shall be notified by a certificate under the hand of the actuary of the national debt office, in the case of an officer in the naval forces to the Admiralty, and in the case of an officer in the land forces to the war office, and in the case of any other person to the head of the department to which the person belonged whose pension has been so commuted, or to such other person as may be directed by the Treasury.

Penalty on persons making false declarations.

9. If any applicant for commutation under this Act wilfully make any false declaration in relation to any matter or thing required by any regulation made in pursuance of this Act he shall be deemed to be guilty of a misdemeanor, and shall be liable on conviction to forfeit all claim to his pension or the value thereof, and to be imprisoned for any term not exceeding two years, with or without hard labour.

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10. If any pension-holder whose pension has been commuted in pursuance of this Act accepts any public employment, a deduction shall be made from the salary payable to him in respect of such employment equal to the amount which would have been abated from the pension if it had not been commuted; and in the event of his becoming entitled to a pension in respect of such employment, the amount of such pension granted to him shall not exceed the amount which he might have received had his pension not been so commuted.

Deduction from salary to be made where pension-holder takes office.

11. If at any time it appear desirable to the Treasury and to the commissioners for the reduction of the national debt, having regard to the funds out of which the said commissioners are authorised by this Act to pay the amounts awarded as commutations of pensions, that an issue in money should be made out of the consolidated fund in repayment of advances made from such funds, the Treasury may, upon a certificate to that effect under the hands of the comptroller-general, or assistant comptroller, acting under the commissioners for the reduction of the national debt, issue to the said commissioners out of the consolidated fund, or the growing produce thereof, such sum as may be named in such certificate.

Consolidated fund to repay advances to commissioners if necessary.

12. When an issue has been made as aforesaid out of the consolidated fund in repayment of advances made by the commissioners for the reduction of the national debt under this Act, the actuary of the national debt office shall certify to the said commissioners the annual amount which should be applied for a term of years to be fixed by the commissioners, with the assent of the Treasury, as the equivalent value of the amount so repaid to the said commissioners, and the said commissioners shall annually apply the amount so certified, for the fixed term of years, out of the moneys to be paid to them from year to year in respect of commutations of pensions under this Act, to the purchase and concelling of perpetual or other annuities, Exchequer bills, bonds, bank advances, or other descriptions of debt, chargeable upon the consolidated fund, and the said actuary shall take the rate of interest at which the annual payments are to be made to the said commissioners under this Act as the basis upon which the amount of the annual payments so to be applied are to be valued.

Commutation annuities to be applied to repay issues from the consolidated fund.

Temporary Provisions and Repeal.

13. * * * * any regulations made by the Treasury in pursuance of "The Pensions Commutation Act, 1869," shall continue in force until revoked or altered in pursuance of this Act.

Continuance of existing members of commutation board, and of existing regulations.

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34 & 35 Victoria.—A.D. 1871.

CAP. LXXXVI.

An Act for the better Regulation of the Regular and Auxiliary Land Forces of the Crown; and for other purposes relating thereto. [17th August 1871.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

PRELIMINARY.

Short title of Act.

1. This Act may be cited for all purposes as "The Regulation of the Forces Act, 1871."

Power of militia and volunteer corps to acquire land for any necessary purposes.

17. The provisions of part V. of the Volunteer Act, 1863,(1) intituled "Acquisition of Land for Ranges,"(2) shall extend—

(1.) To the acquisition of land or any easement in land by any volunteer corps for the purpose of storing arms, making drill sheds, or any other military purpose approved by the secretary of state as being conducive to the better efficiency of the corps; and

(2.) To the acquisition of land or any easement in land by a regiment of * * * yeomanry for rifle or artillery practice, and for the erection of butts, targets, batteries, and other accommodations for the use of the regiment when practising with rifles or artillery, or for any other purpose for which a volunteer corps may acquire land, and all the provisions of the said part V. shall apply accordingly, and be construed as if the words "any regiment of * * * yeomanry" were therein substituted for the words "any volunteer corps."

* * * * * *

Definitions.

Interpretation of certain terms in the Act.

19. In this Act, if not inconsistent with the context, the following terms have the meanings herein-after respectively assigned to them; that is to say,—

"The secretary of state" means one of her Majesty's principal secretaries of state:

"Lieutenant of a county" includes a vice-lieutenant, also the commissioners of lieutenancy of the city of London, the governor of the Isle of Wight, the warden of the cinque ports, the warden of the stannaries, the constable of the Tower, and any other officer or officers however named having a jurisdiction in relation to the general or local

(1) *See* 26 & 27 Vict. c. 65. ss. 31–40., p. 333, *ante*.

(2) This section is applied by the Naval Artillery Volunteer Act, 1873 (36 & 37 Vict. c. 77.), s. 30., *post*.

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militia similar to that of lieutenant or lieutenants or deputy lieutenants of a county:

"Lord lieutenant of Ireland" shall include the lords justices or other chief governors or governor of Ireland for the time being:

* * * * * * *

"Officer" means "commissioned officer."

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34 & 35 Victoria.—A.D. 1871.

CAP. CV.

An Act for the safe keeping of Petroleum and other substances of a like nature.(1) [21st August 1871.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title of Act.

1. This Act may be cited as "The Petroleum Act, 1871."

Interpretation of certain terms in the Act:

2. In this Act, if not inconsistent with the context, the following terms have the meanings herein-after assigned to them; (that is to say,)

"Borough:"

The term "borough" means—

In England any place for the time being subject to the provisions of the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, "to provide for the regulation of municipal "corporations in England and Wales," and the Acts amending the same;(2)

In Scotland any royal burgh and any burgh or town returning or contributing to return a member or members to serve in Parliament;

In Ireland any place for the time being subject to the provisions of the Act of the session of the third and fourth years of the reign of her present Majesty, chapter one hundred and eight, "for the regulation of municipal "corporations in Ireland, and the Acts amending the "same:"

"Person:"

The term "person" includes a body corporate:

"Secretary of state:"

The term "secretary of state" means one of her Majesty's principal secretaries of state:

"Lord lieutenant:"

The term "lord lieutenant" means the lord lieutenant of Ireland or the lords justices or other chief governors or governor of Ireland for the time being:

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(1) *See* the Petroleum Act, 1879, 42 & 43 Vict. c. 47.

(2) For this reference to 5 & 6 Will. 4. c. 76. is substituted a reference to 45 & 46 Vict. c. 50. by the Municipal Corporations Act, 1882 (45 & 46 Vict. c. 50.), s. 242. and Ninth Schedule.

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"Harbour:" The term "harbour" means any harbour properly so called, whether natural or artificial, and any port, haven, estuary, tidal river or other river, canal or inland navigation navigated by sea-going ships, and any dock, pier, jetty, or other works in or at which ships do or can ship or unship goods or passengers:

"Harbour authority:" The term "harbour authority"(1) includes any persons or person being or claiming to be proprietors or proprietor of or intrusted with the duty or invested with the power of improving, maintaining, or managing any harbour:

"Ship:" The term "ship" includes every description of vessel used in navigation, whether propelled by oars or otherwise:

"Summary Jurisdiction Acts:" The term "Summary Jurisdiction Acts" means as follows:

As to England, the Act of the session of the eleventh and twelfth years of the reign of her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," and any Acts amending the same;

As to Scotland, "The Summary Procedure Act, 1864;"

As to Ireland, within the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district, or of the police of such district; and elsewhere in Ireland, "The Petty Sessions (Ireland) Act, 1851," and any Act amending the same:

"Court of summary jurisdiction:" The term "court of summary jurisdiction" means and includes any justice or justices of the peace, sheriff or sheriff substitute, metropolitan police magistrate, stipendiary or other magistrate, or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to, or to proceedings before whom the provisions of the Summary Jurisdiction Acts are or may be made applicable:

"County rate." 31 & 32 Vict. c. 82. The term "county rate" means as regards Scotland the county general assessment leviable in pursuance of "The County General Assessment (Scotland) Act, 1868," and as regards Ireland the grand jury cess.

Definition of "petroleum" and application of Act.

3. For the purposes of this Act the term "petroleum" includes any rock oil, Rangoon oil, Burmah oil, oil made from petroleum, coal, schist, shale, peat, or other bituminous substance, and any products of petroleum, or any of the above-mentioned oils; * * * * * * *

Byelaws as to ship carrying petroleum.

4. Every harbour authority shall frame and submit for confirmation to the Board of Trade byelaws for regulating the place

(1) The Admiralty is a harbour authority within this definition. *See* Harbours Transfer Act, 1862 (25 & 26 Vict. c. 69.), s. 9., p. 326, *ante*.

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or places at which ships carrying petroleum to which this Act applies are to be moored in the harbour over which such authority has jurisdiction, and are to land their cargo, and for regulating the time and mode of, and the precautions to be taken on, such landing. The harbour authority shall publish the byelaws so framed with a notice of the intention of such authority to apply for the confirmation thereof. The Board of Trade may confirm such byelaws with or without any omission, addition, or alteration, or may disallow the same.

Every such byelaw when confirmed shall be published by the harbour authority, and may be from time to time altered or repealed by a byelaw made in like manner. Byelaws under this section shall be published in such manner as the Board of Trade may from time to time direct.

If at any time it appears to the Board of Trade that there is no byelaw for the time being in force under this section in any harbour the Board of Trade may, by notice, require the harbour authority of such harbour to frame and submit to them a byelaw for the purposes of this section, and if such harbour authority make default in framing a byelaw and obtaining the confirmation thereof within the time limited by such notice the Board of Trade may make a byelaw for the purposes of this section, and such byelaw shall have the same effect as if it had been framed by the harbour authority and confirmed by the Board of Trade.

Where any ship or cargo is moored, landed, or otherwise dealt with in contravention of any byelaw for the time being in force under this Act in any harbour, the owner and master of such ship, or the owner of such cargo, as the case may be, shall each incur a penalty not exceeding fifty pounds for each day during which such contravention continues, and it shall be lawful for the harbour master or any other person acting under the orders of the harbour authority of such harbour to cause such ship or cargo to be removed, at the expense of the owner thereof, to such place as may be in conformity with the said byelaw, and all expenses incurred in such removal may be recovered in the same manner in which penalties are by this Act made recoverable.

Notice by owner or master of ship carrying petroleum.

5. The owner or master of every ship carrying a cargo any part of which consists of petroleum to which this Act applies, on entering any harbour within the United Kingdom, shall give notice of the nature of such cargo to the harbour authority having jurisdiction over such harbour.

If such notice is not given the owner and master of such ship shall each incur a penalty not exceeding the sum of five hundred pounds, unless it is shown to the satisfaction of the court before which the case is tried that neither the owner nor the master knew the nature of the goods to which the proceedings relate, nor could with reasonable diligence have obtained such knowledge.

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Regulations as to storage of petroleum.

7. Save as herein-after mentioned, after the passing of this Act petroleum to which this Act applies shall not be kept, except in pursuance of a license given by such local authority as is in this Act mentioned.

All petroleum kept in contravention of this section shall, together with the vessel containing the same, be forfeited, and in addition thereto the occupier of the place in which such petroleum is so kept shall be liable to a penalty not exceeding twenty pounds a day for each day during which such petroleum is so kept.

This section shall not apply to any petroleum kept either for private use or for sale, provided the following conditions are complied with:

(1.) That it is kept in separate glass, earthenware, or metal vessels, each of which contains not more than a pint, and is securely stopped:

(2.) That the aggregate amount kept, supposing the whole contents of the vessels to be in bulk, does not exceed three gallons.

Definition of local authority.

8. The following bodies shall respectively be the local authority to grant licenses under this Act in the districts herein-after mentioned; (that is to say,)

(8.) In any harbour within the jurisdiction of a harbour authority, whether situate or not within the jurisdiction of any local authority before in this section mentioned, the harbour authority, to the exclusion of any other local authority.

Mode of granting licenses.

9. Licenses in pursuance of this Act shall be valid if signed by two or more of the persons constituting the local authority, or executed in any other way in which other licenses, if any, granted by such authority are executed. Licenses may be granted for a limited time and may be subject to renewal or not in such manner as the local authority think necessary.

There may be annexed to any such license such conditions(1) as to the mode of storage, the nature and situation of the premises in which, and the nature of the goods with which petroleum to which this Act applies is to be stored, the facilities for the testing of such petroleum from time to time, the mode of carrying such petroleum within the district of the licensing authority, and generally as to the safe keeping of such petroleum as may seem expedient to the local authority.

Any licensee violating any of the conditions of his license shall be deemed to be an unlicensed person. There may be charged in respect of each license granted in pursuance of this Act such sum, not exceeding five shillings, as the local authority may think fit to charge.

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(1) *See* Petroleum (Hawkers) Act, 1881 (44 & 45 Vict. c. 67.), s. 3., making void conditions inconsistent with that Act.

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10. If on any application for a license under this Act the local authority refuse the license, or grant the same only on conditions with which the applicant is dissatisfied, the local authority shall, if required by the applicant, deliver to him in writing under the hand or hands of one or more of the persons constituting the local authority, a certificate of the grounds on which they refused the license or annexed conditions to the grant thereof. In case of refusal of license the applicant may memorialize secretary of state or lord lieutenant.

The applicant within ten days from the time of the delivery of the certificate may transmit the same to a secretary of state if the application is for a license in England or Scotland, and to the lord lieutenant if the application is for a license in Ireland, together with a memorial, praying that notwithstanding such refusal the license may be granted, or that the conditions may not be imposed, or may be altered or modified in such manner and to such extent as may be set forth in such memorial.

It shall be lawful for the secretary of state, or the lord lieutenant, if he think fit, on consideration of such memorial and certificate, and, if he think it necessary or desirable, after due inquiry and a report by such person as he may appoint for that purpose, to grant the license prayed for, either absolutely or with such conditions as he thinks fit, or to alter or modify the conditions imposed by the local authority; and the license so granted, or altered and modified, as the case may be, when certified under the hand of a secretary of state, or the lord lieutenant, shall be to all intents as valid as if granted by the local authority.

11. Any officer authorised by the local authority may purchase any petroleum from any dealer in it, or may, on producing a copy of his appointment, purporting to be certified by the clerk or some member of the local authority, or producing some other sufficient authority, require the dealer to show him every or any place, and all or any of the vessels in which any petroleum in his possession is kept, and to give him samples of such petroleum on payment of the value of such samples. Testing of petroleum by officer of local authority.

When the officer has by either of the means aforesaid taken samples of petroleum, he may declare in writing to the dealer that he is about to test the same, or cause the same to be tested, in manner set forth in Schedule One to this Act,(1) and it shall be lawful for him to test the same or cause the same to be tested, at any convenient place at such reasonable time as he may appoint, and the dealer or any person appointed by him may be present at the testing, and if it appear to the officer or other person so testing that the petroleum from which such samples have been taken is petroleum to which this Act applies, such officer or other person may certify such fact, and the certificate so given shall be receivable as evidence in any proceedings

(1) A reference to Schedule I. of 42 & 43 Vict. c. 47. is substituted for the reference to this Schedule by s. 2. of that Act.

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that may be taken against a dealer in petroleum in pursuance of this Act; but it shall be lawful for a dealer proceeded against to give evidence in proof that such certificate is incorrect, and thereupon the court before which any such proceedings may be taken may, if such court think fit, appoint some person skilled in testing petroleum to examine the samples to which such certificate relates, and to declare whether such certificate is correct or incorrect.

Any expenses incurred in testing any petroleum of such dealer in pursuance of this section shall, if such dealer be convicted of keeping, sending, conveying, selling, or exposing for sale, petroleum in contravention of this Act, be deemed to be a portion of the costs of the proceedings against him, and shall be paid by him accordingly. In any other event such expenses shall be paid by the local authority out of any funds for the time being in their hands, and in case the local authority are the justices, out of the county rate.

Penalty for refusing information and obstructing officer.

12. Any dealer who refuses to show to any officer authorised by the local authority every or any place or all or any of the vessels in which petroleum in his possession is kept, or to give him such assistance as he may require for examining the same, or to give to such officer samples of such petroleum on payment of the value of such samples, or who wilfully obstructs the local authority, or any officer of the local authority, in the execution of this Act, shall incur a penalty not exceeding twenty pounds.

Application of Act to other substances.

14. Her Majesty may from time to time make, revoke, and vary orders in council directing this Act or any part thereof to apply to any substance, and this Act, or the part thereof specified in the order shall, during the continuance of the order, apply to such substance, and shall be construed and have effect as if throughout it such substance had been included in the definition of petroleum to which this Act applies, subject to the following qualifications:

(1.) The quantity of any substance to which this Act is directed by order in council to apply, which may be kept without a license, shall be such quantity only as is specified in that behalf in such order, or if no such quantity is specified no quantity may be kept without a license:

(2.) The label on the vessel containing such substance shall be such as may be specified in that behalf in the order.

Summary proceedings for offences, penalties, &c.

15. In England and Ireland all offences and penalties under this Act, and all money and costs directed by this Act to be recovered as penalties, may be prosecuted and recovered in manner provided by the Summary Jurisdiction Acts.

In Scotland all offences and penalties under this Act, and all money and expenses by this Act directed to be recovered as

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penalties, shall, save as herein-after provided, be prosecuted and recovered at the instance of the procurator fiscal or of any officer authorised in that behalf by the harbour authority or local authority under the provisions of the Summary Jurisdiction Acts before a court of summary jurisdiction, and all necessary powers and jurisdictions are hereby conferred on such court in Scotland.

Provided as follows:

1. A court of summary jurisdiction shall not impose a penalty exceeding fifty pounds, but any such court may impose that or any less penalty for any one offence, notwithstanding the offence involves a penalty of higher amount.

2. In Scotland any penalty exceeding fifty pounds shall be recovered and enforced in the same manner in which any penalty due to her Majesty under any Act of Parliament may be recovered and enforced.

3. The "court of summary jurisdiction," when hearing and determining an information or complaint, shall be constituted in some one of the following manners; (that is to say,)

(*a.*) In England, either of two or more justices of the peace in petty sessions sitting at a place appointed for holding petty sessions, or of one of the magistrates herein-after mentioned, sitting alone or with others at some court or other place appointed for the administration of justice; that is to say, the Lord Mayor, or any alderman of the City of London, a metropolitan police magistrate, a stipendiary magistrate, or some other officer or officers for the time being empowered by law to do alone or with others any act authorised to be done by more than one justice of the peace:

(*b.*) In Scotland, of two or more justices of the peace sitting as judges in a justice of the peace court, or of one of the magistrates herein-after mentioned sitting alone or with others at some court or other place appointed for the administration of justice; that is to say, the sheriff of the county or his substitute, or the provost or other magistrate of a royal burgh, or some other officer or officers for the time being empowered by law to do alone or with others any act authorised to be done by more than one justice of the peace:

(*c.*) In Ireland, within the police district of Dublin metropolis, of one of the divisional justices of the police district of Dublin metropolis, sitting at a police court within the said district; and elsewhere, of a stipendiary magistrate, sitting alone or with others, or of two or more justices of the peace in petty sessions, sitting at a place appointed for holding petty sessions.

[4.(1) The description of any offence under this Act in the words of such Act shall be sufficient in law.

(1) Sub-sections 4. and 5. repealed as to England, 47 & 48 Vict. c. 43. s. 4.

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5. Any exception, exemption, proviso, excuse, or qualification, whether it does or not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information, and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant or prosecutor.]

6. No conviction or order made in pursuance of this Act shall be quashed for want of form or be removed by certiorari or otherwise, either at the instance of the Crown or of any private party, into any superior court. [(1)Moreover, no warrant of commitment shall be held void by reason of any defect therein, provided that there is a valid conviction to maintain such warrant, and it is alleged in the warrant that the party has been convicted.

7. All forfeitures may be sold or otherwise disposed of in such manner as the court may direct.]

Reservation of previous powers with respect to inflammable substances.

16. All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred on any local or harbour authority by Act of Parliament, law, or custom, and every local authority and harbour authority may exercise such other powers in the same manner as if this Act had not passed; and nothing in this Act contained shall be deemed to exempt any person from any penalty to which he would otherwise be subject in respect of a nuisance.

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34 & 35 Victoria.—A.D. 1871.

CAP. CX.

An Act to amend the Merchant Shipping Acts.

[21st August 1871.]

WHEREAS it is expedient to amend the Merchant Shipping Acts:

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title.

1. This Act may be cited as the Merchant Shipping Act, 1871.

Act to be construed with Merchant Shipping Acts.

2. This Act shall be construed as one with the Merchant Shipping Act, 1854, and the Acts amending the same, and the said Acts and this Act may be cited collectively as the Merchant Shipping Acts, 1854 to 1871.

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(1) These words are repealed as to England by 47 & 48 Vict. c. 43. s. 4.

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Masters and Seamen (Part III. of Merchant Shipping Act, 1854).

Survey of ships alleged by seamen to be unseaworthy.

7. Whenever in any proceeding against any seaman or apprentice belonging to any ship for desertion, or for neglecting or refusing to join or to proceed to sea in his ship, or for being absent from or quitting the same without leave, it is alleged by one fourth of the seamen belonging to such ship, or, if the number of such seamen exceed twenty, by not less than five such seamen, that such ship is by reason of unseaworthiness, overloading, improper loading, defective equipment, or for any other reason, not in a fit condition to proceed to sea, or that the accommodation in such ship is insufficient, the court having cognizance of the case shall take such means as may be in their power to satisfy themselves concerning the truth or untruth of such allegation, and shall for that purpose receive the evidence of the person or persons making the same, and shall have power to summon any other witnesses whose evidence they may think it desirable to hear; the court shall thereupon, if satisfied that the allegation is groundless, proceed to adjudicate, but if not so satisfied shall cause such ship to be surveyed.

Provided that no seaman or apprentice charged with desertion, or with quitting his ship without leave, shall have any right to apply for a survey under this section unless previously to his quitting his ship he has complained to the master of the circumstances so alleged in justification.

For the purposes of this section, the court shall require any of the surveyors appointed by the Board of Trade, under the Merchant Shipping Act,(1) 1854, or any person appointed for the purpose by the Board of Trade, or, if such surveyor or person cannot be obtained without unreasonable expense or delay, or is not, in the opinion of the court, competent to deal with the special circumstances of the case, then any other impartial surveyor appointed by the court, and having no interest in the ship, her freight, or cargo, to survey the ship, and to answer any question concerning her which the court may think fit to put. Such surveyor or other person shall survey the ship, and make his report in writing to the court, including an answer to every question put to him by the court. The court shall cause such report to be communicated to the parties, and unless it is proved to the satisfaction of the court that the opinions expressed in such report are erroneous, the court shall determine the questions before them in accordance with those opinions.

For the purposes of such survey, a surveyor shall have all the powers of an inspector(2) appointed by the Board of Trade, under the Merchant Shipping Act, 1854.

The costs (if any) of the survey shall be determined by the Board of Trade according to a scale of fees to be fixed by them,

(1) *See* the Merchant Shipping Act, 1854 (17 & 18 Vict. c. 104.), s. 305.
(2) 17 & 18 Vict. c. 104. ss. 14., 15., p. 164, *ante*.

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and shall be paid in the first instance out of the mercantile marine fund.

If it is proved to the satisfaction of the court that the ship is in a fit condition to proceed to sea, or, as the case may be, that the accommodation is sufficient, the costs of the survey shall be paid by the person or persons upon whose demand, or in consequence of whose allegation, the survey was made, and may be deducted by the master or owner out of the wages due or to become due to such person or persons, and shall be paid over to the Board of Trade.

If it is proved that the ship is not in a fit condition to proceed to sea, or, as the case may be, that the accommodation is insufficient,(1) the costs of the survey shall be paid to the Board of Trade by the master or owner.

Power for naval courts to direct survey of ships.

8. Any naval court(2) may, if they think fit, direct a survey of any ship which is the subject of an investigation held before them, and such survey shall be made in the same way, and the surveyor who makes the same shall have the same powers, as if the survey had been directed by a competent court in the course of proceedings against a seaman or apprentice for desertion or a kindred offence.

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35 & 36 Victoria.—A.D. 1872.

CAP. XII.

An Act to amend an Act of the fourth and fifth years of King William the Fourth, chapter twenty-four,(3) intituled "An Act to alter, amend, and consolidate "the laws for regulating the pensions, compensations, "and allowances to be made to persons in respect "of their having held civil offices in His Majesty's "service." [13th May 1872.]

WHEREAS by an Act passed in the session holden in the fourth and fifth years of King William the Fourth, chapter twenty-four, "to alter, amend, and consolidate the laws "for regulating the pensions, compensations, and allowances to "be made to persons in respect of their having held civil offices "in his Majesty's service," it is provided amongst other things that "in case any person enjoying any superannuation allow- "ance in consequence of retiring from office on account of age, "infirmity, or any other cause, or enjoying any compensation

(1) As to compensation to seamen, *see* 36 & 37 Vict. c. 85. s. 9.

(2) As to "naval courts," *see* 17 & 18 Vict. c. 104. s. 260., p. 208, *ante*, and 18 & 19 Vict. c. 91. s. 18., p. 238, *ante*.

(3) *See* 4 & 5 Will. 4. c. 24., and the Acts enumerated in note (1), p. 76, *ante*.

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" for past services, upon the abolition or reduction of office, " shall be appointed to fill any office in any public department, " every such allowance or compensation shall cease to be paid " for any period subsequent to such appointment if the annual " amount of the profits of the office to which he shall be ap- " pointed shall be equal to those of the office formerly held by " him, and in case they shall not be equal to those of his former " office, then no more of such superannuation allowance or " compensation shall be paid to him than what with the salary " of his new appointment shall be equal to that of his former " office :"(1)

And whereas doubts have lately been entertained as to whether the expression " office in any public department," as used in the above-mentioned provisions, extends to public departments in any part of her Majesty's dominions beyond the limits of the United Kingdom:

And whereas it is expedient to remove such doubts:

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Explanation of section 20. of 4 & 5 Will. 4. c. 24.

1. It is hereby declared that the expression " office in any public department," as used in the above-mentioned provisions of the said Act, extends, and shall from the date of the passing of the said Act be deemed to have extended, to any office in any public department in the British possessions.

Definition of colony.

2. In this Act " British possession " shall include any territories for the time being vested in her Majesty by virtue of any Act of Parliament for the government of India; also any colony, plantation, island, territory, or settlement within her Majesty's dominions, and not within the United Kingdom.

Short title.

3. This Act may be cited for all purposes as " The Superannuation Act, 1872."

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35 & 36 Victoria.—A.D. 1872.

CAP. XIX.(2)

An Act for the Prevention and Punishment of Criminal Outrages upon Natives of the Islands in the Pacific Ocean.(3) [27th June 1872.]

WHEREAS criminal outrages by British subjects upon natives of islands in the Pacific Ocean, not being in her

(1) *See* 4 & 5 Will. 4. c. 24. s. 20., p. 78, *ante*.

(2) By the Pacific Islanders Protection Act, 1875 (38 & 39 Vict. c. 51.), s. 1., p. 589, *post*, this Act may be cited as the Pacific Islanders Protection Act, 1872.

(3) Construed with Pacific Islanders Protection Act, 1875, 38 & 39 Vict. c. 51., p. 589, *post*.

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Majesty's dominions, nor within the jurisdiction of any civilized power, have of late much prevailed and increased, and it is expedient to make further provision for the prevention and punishment of such outrages:

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

* * * * * * *

Definition of terms.

2. The term "governor" shall include the officer for the time being administering the government of any of the Australasian colonies, and "governor in council" shall mean the governor acting by and with the advice of the executive council of the colony under his government:

The term "Australasian colonies"(1) shall mean and include the colonies of New South Wales, New Zealand, Queensland, South Australia, Tasmania, Victoria, and Western Australia:

The term "vessel" shall include a ship or boat:

The term "oath" shall include any affirmation or declaration taken or made in lieu of an oath:

The term "master" shall include any person for the time being in command or charge of a vessel.

No British vessel to carry native labourers unless the master has given a bond and received a license.

3. It shall not be lawful for any British vessel to carry native labourers of the said islands, not being part of the crew of such vessel, unless the master thereof shall, with one sufficient surety to be approved by the governor of one of the said Australasian colonies, or by a British consular officer appointed by her Majesty to reside in any of the said islands, or by any person appointed by either of those officers, have entered into a joint and several bond in the sum of five hundred pounds, to her Majesty, her heirs and successors, in the form contained in schedule (A.) to this Act annexed, or in such other form as shall be prescribed by the legislature of any of the Australasian colonies in respect of vessels sailing from the ports of such colony, nor unless he shall have received a license in the form contained in schedule (B.) to this Act annexed from any such governor or British consular officer.(2)

Penalty of bond, how recoverable.

4. The said penal sum of five hundred pounds shall be due and recoverable notwithstanding any penalty or forfeiture imposed by this Act, and whether such penalties or forfeitures shall have been sued for and recovered or not.

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(1) The term Australasian colonies includes Fiji, *see* 38 & 39 Vict. c. 51. s. 8., p. 592, *post*.

(2) *See*, as to carriage of native labourers in a British vessel for the purpose of carrying on any fishery, industry, or occupation in connection with the said vessel, the Pacific Islanders Protection Act, 1875 (38 & 39 Vict. c. 51.), s. 2., p. 589, *post*, and form of license in schedule (B.) to that Act, *post*.

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Power to governor and consular officer to grant licenses.

5. It shall be lawful for any such governor or British consular officer as aforesaid, upon being satisfied that a bond has been duly given by the master of any British vessel under the third section of this Act, to grant, if he shall think fit, to such master a license in the form contained in the said schedule (B.)

Seizure, &c. of vessels carrying native labourers without license, &

6. All the provisions of this Act with respect to the detention, seizure, bringing in for adjudication before any vice-admiralty court, trial, condemnation, or restoration of vessels suspected of being employed in the commission of any of the offences enumerated in the ninth section of this Act shall, mutatis mutandis, apply to any British vessel which shall be found carrying such native labourers without a license or in contravention of the terms of any license which may have been granted to the master thereof.(1)

Penalty for carrying natives without a license.

7. The master of any vessel carrying such native labourers without such license or in contravention of the terms of any license which may have been granted to him, shall be liable to a fine of not exceeding five hundred pounds, which may be sued for and enforced in and by any court of justice of the Australasian colonies; but nothing herein contained shall be taken to affect the liability of such master for any offence committed by him under the ninth or tenth sections of this Act: Provided always, that the aggregate sum imposed or recoverable by way of penalty under this Act shall in no case exceed the sum of five hundred pounds.

Vessels complying with provisions of colonial Acts not liable to seizure, &c.

8. Nothing herein contained shall be taken to affect the provisions of an Act passed by the legislature of Queensland, intituled "An Act to regulate and control the introduction and "treatment of Polynesian labourers," nor of any Act of a like kind passed or which may be passed by the legislature of any of the Australasian colonies not being inconsistent with the provisions of this Act; and the provisions of this Act in respect of vessels carrying native labourers without a license, or in contravention of the terms of a license, shall not apply to any vessel which has complied with the regulations and conditions imposed by the said Queensland Act or by any other Act of a like kind passed or which may be passed by the legislature of any of the Australasian colonies as aforesaid, proof of which compliance shall lie upon the master of such vessel.

Colonial courts empowered to try certain offences.

9. If a British subject commits any of the following offences; that is to say,

1. Decoys a native of any of the aforesaid islands for the purpose of importing or removing such native into any island or place other than that in which he was at the time of the commission of such offence; or carries away,

(1) Extended to goods and effects found on vessel seized, *see* Pacific Islanders Protection Act, 1875 (38 & 39 Vict. c. 51.), s. 3., p. 590, *post*.

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confines, or detains any such native for the purpose aforesaid, without his consent, proof of which consent shall lie on the party accused:

2. Ships, embarks, receives, detains, or confines, or assists in shipping, embarking, receiving, detaining, or confining, for the purpose aforesaid, a native of any of the aforesaid islands on board any vessel, either on the high seas or elsewhere without the consent of such native, proof of which consent shall lie on the party accused:
3. Contracts for the shipping, embarking, receiving, detaining, or confining on board any vessel for the purpose aforesaid any such native without his consent, proof of which consent shall lie on the party accused:
4. Fits out, mans, navigates, equips, uses, employs, lets, or takes on freight or hire any vessel, or commands, or serves, or is on board any such vessel with intent to commit, or that any one on board such vessel should commit, any of the offences above enumerated:
5. Ships, lades, receives, or puts on board, or contracts for the shipping, lading, receiving, or putting on board of any vessel money, goods, or other articles, with the intent that they should be employed, or knowing that they will be employed, in the commission of any of the offences above enumerated;

he shall for each offence be guilty of felony, and shall be liable to be tried and punished for such felony in any supreme court of justice in any of the Australasian colonies, and shall, upon conviction, be liable at the discretion of the court to the highest punishment other than capital punishment, or to any less punishment, awarded for any felony by the law of the colony in which such offender shall be tried.

Punishment of accessories.

10. Any person who aids, abets, counsels, or procures the commission of any offence against this Act shall be liable to be tried and punished as a principal offender.

Venue in respect of offences by persons.

11. Any offence against this Act may be described in any indictment, information, or other document relating to such offence, in cases where the mode of trial requires such a description, as having been committed at the place where it was wholly or partly committed, or it may be averred generally to have been committed within her Majesty's dominions, and the venue or local description in the margin may be that of the county, city, town, or place in which the trial is held.

Courts may issue commissions for examination of witnesses.

12. In all cases of indictment or information laid or exhibited in the supreme court of any of the Australasian colonies for any offence under this Act, such supreme court, upon motion to be made on behalf of the prosecutor or accused, may order a commission or commissions to issue for the examination of witnesses upon oath, and to receive proof at any place or places out of the

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jurisdiction of such court concerning the matters charged in such indictment or information; and the said supreme court is hereby required and authorised by the same or any subsequent order or orders to make such rules and give such directions as to the time, place, and mode of executing such commission or commissions, and as to the notice thereof to be given to the party accused, and as to the proper return of the depositions taken and the matters done thereunder, as to the said court shall seem fitting and proper, and the depositions being duly taken under such commission or commissions and returned to the said court shall be allowed and read as if the witness so deposing had been present, sworn, and examined vivâ voce at any trial for such offences as aforesaid in the said supreme court, any law or usage to the contrary thereof notwithstanding.(1)

Powers to secure attendance of native witnesses.

13. In all cases of indictment or information laid or exhibited in the supreme court of any of the Australasian colonies for any offence under this Act, the governor in council of such colony may authorise and empower the commander of any of her Majesty's ships or vessels, or the master of any ship or vessel trading with the inhabitants or natives of the said islands, to obtain the attendance as a witness of any native of any of the said islands for the purpose of giving evidence either before the said supreme court or before any commission for the examination of witnesses ordered by such court, and to transport and convey such witness to the colony in which such offence shall be tried or to the place where such commission shall be held, and also to remunerate such witness by such sum of money or other remuneration as the said governor in council shall see fit to authorise for his attendance to give evidence as aforesaid, and for his reconveyance back to the island or place from whence he shall have been so brought.(1)

Mode of taking evidence.

14. In all cases in which an oath may be lawfully administered to any person either as a witness or deponent in any proceeding under this Act, it shall be the duty of the court or commissioner, or officer administering the same, to ascertain, as far as possible, in what form such oath will be binding on the conscience of such witness or deponent, and to administer such oath in such form accordingly; and the court before which such proceedings shall take place or a commissioner under any commission as aforesaid may declare in what manner the evidence shall be taken of witnesses or deponents who are ignorant of the nature of an oath, and the evidence or deposition taken in any such form or manner as aforesaid shall be as valid as if an oath had been administered in the ordinary manner.

Punishment of persons giving false evidence.

15. Every person who shall wilfully and corruptly give false evidence in any examination, deposition, or affidavit had or

(1) *See* Pacific Islanders Protection Act, 1875 (38 & 39 Vict. c. 51.), s. 4., p. 590, *post*, as to jurisdiction of High Court of Admiralty and vice-admiralty courts throughout the British dominions.

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taken in any proceeding under this Act shall be deemed guilty of perjury, and upon conviction thereof shall be liable to the pains and penalties to which persons convicted of wilful and corrupt perjury are liable, and every such person may be tried either in the place where the offence was committed, or in the supreme court of any of the Austra'asian colonies.

Powers to seize suspected British vessels.

16. Any British vessel(1) which shall upon reasonable grounds be suspected:

(1.) Of being employed in the commission of any of the offences enumerated in the ninth section(2) of this Act; or

(2.) Of having been fitted out for such employment; or

(3.) Of having during the voyage on which such vessel is met been employed in the commission of any such offence,

may be detained, seized, and brought in for adjudication upon the charge of being or having been so employed or fitted out as aforesaid before any vice-admiralty court in any of her Majesty's dominions by any of the following officers; that is to say,—

(1.) Any officer of customs or public officer in any British possession, subject nevertheless to any special or general instructions from the governor or officer administering the government of such possession:

(2.) Any commissioned officer on full pay in the military service of the Crown, subject nevertheless to any special or general instructions from his commanding officer:

(3.) Any commissioned officer on full pay in the naval service of the Crown, subject nevertheless to any special or general instructions from the Admiralty or his superior officer:

(4.) Any consul or consular agent appointed by her Majesty to reside in any island not within the jurisdiction of any civilized power.

Powers of officers authorised to seize ships.

17. Any officer authorised to seize or detain any vessel in respect of any offence against this Act may, for the purpose of enforcing such seizure or detention, call to his aid any constable or officers of police, or any officers of her Majesty's army or navy, or marines, or any excise officers or officers of customs, or any harbour master or dock-master, or any officers having authority by law to make seizures of vessels, and may put on board any vessel so seized or detained any one or more of such officers to take charge of the same and to enforce the provisions of this Act, and any officer seizing or detaining any vessel under this Act may use force, if necessary, for the purpose of enforcing seizure or detention.

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(1) Extended to goods and effects found on vessel seized, *see* Pacific Islanders Protection Act, 1875 (38 & 39 Vict. c. 51.), s. 3., p. 590, *post.*

(2) *See* p. 517, *ante.*

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Payment of costs, &c.

19. When any detention or seizure shall be made under this Act, and proceedings instituted in any vice-admiralty court in respect of such detention or seizure, it shall be lawful for the lords commissioners of her Majesty's Treasury, if to their discretion it shall seem meet, to direct payment to be made of the whole or any part of the costs, damages, and expenses which may be incurred in such proceedings.(1)

Indemnity to officers.

20. Subject to the provisions of this Act providing for the award of damages in certain cases in respect of the seizure or detention of a vessel by the vice-admiralty court, no damages shall be payable, and no officer or local authority shall be responsible, either civilly or criminally, in respect of the seizure or detention of any vessel in pursuance of this Act.(1)

* * * * * * *

Act not to affect 9 Geo. 4. c. 83.

22. Nothing in this Act contained shall be taken to affect the powers vested in the supreme courts of New South Wales and Tasmania under the Act 9 Geo. IV. c. 83.

SCHEDULES.

SCHEDULE (A.)

FORM of BOND to be entered into by Masters of Vessels under "The Kidnapping Act, 1872."(2)

Know all men by these presents, that we A.B. of and C.D. of are held and firmly bound unto our Sovereign Lady Queen Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, in the sum of five hundred pounds of good and lawful money of Great Britain, to be paid to our said Sovereign Lady the Queen, her heirs and successors, to which payment, well and truly to be made, we bind ourselves and every of us, jointly and severally, for and in the whole, our heirs, executors, administrators, and every of them, firmly by these presents.

Sealed with our seals. Dated this day of 187 .

Whereas it is enacted by "The Kidnapping Act, 1872," that no British vessel shall carry native labourers of islands in the Pacific Ocean not being within the jurisdiction of any civilised power unless the master of such vessel, together with one sufficient surety to be approved by the governor of one of her Majesty's Australasian colonies, or by a British consular officer, or by any person appointed for the purpose by either of those officers, shall have given to her Majesty, her

(1) *See* Pacific Islanders Protection Act, 1875 (38 & 39 Vict. c. 51.), ss. 4., 5., p. 590, *post*.

(2) *See* Pacific Islanders Protection Act, 1875 (38 & 39 Vict. c. 51.), ss. 1., 9., pp. 589, 592, *post*, and note (2), p. 515, *ante*, as to the short title of this Act.

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heirs and successors, a bond in the sum of five hundred pounds for the prevention of kidnapping, and for the due observance of the requirements of the said Act and of the license which the said master is thereby required to obtain.

Now the condition of this obligation is this, that if in respect of the vessel , whereof the above bounden A.B. is master, all and every the requirements of the said Act and of the license issued thereunder to the said master shall be well and truly performed, and if the above bounden A.B. shall satisfy the governor of any of her Majesty's Australasian colonies, or the British consular officer aforesaid, that no kidnapping was allowed or connived at by any person on board of or connected with said vessel during the currency of the said license, then this obligation is to be void, otherwise to remain in full force.

Signed, sealed, and delivered by the above bounden A.B. and C.D. in the presence of } (L.S.) (L.S.)
E.F. of

SCHEDULE (B.)

(Royal Arms.)

LICENSE for the Carriage by Sea of Native Labourers.

A.B., master of the , the vessel more particularly described below, having duly given to her Majesty Queen Victoria the bond required by "The Kidnapping Act, 1872,"(1) for the prevention of kidnapping and the due observance of the requirements of the said Act, I (the governor of the colony of or her Majesty's consul of , as the case may be,) do hereby, in exercise of the authority for that purpose conferred on me by the said Act, license the said vessel to carry not more than native labourers from to . Should this vessel be found to answer the subjoined description, and appear to be strictly engaged in the lawful pursuit of the above-mentioned object it is the direction of her Majesty's government that she shall not be obstructed in the prosecution of her present voyage nor in the shipment or landing of her native passengers.

This license shall not be transferable, and shall be available only for the voyage from to aforesaid and for a period not exceeding days from the date hereof.

Description of the Vessel above referred to.

Tons (registered tonnage),
Rig (i.e. ship, barque, brig, &c.),
How painted,
Name painted on stern,
Whether any poop,
Whether any quarter galleries,
Whether a top gallant forecastle,
Name of chief officer,
Number of officers and crew, including surgeon, if any,

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(1) *See* Pacific Islanders Protection Act, 1875 (38 & 39 Vict. c. 51.), ss. 1., 9., pp. 589, 592, *post*, and note (2), p. 515, *ante*, as to the short title of this Act.

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Bound from to , and intending to call at and
Given under my hand and seal at this day of 187 .

Governor or consul, as the case may be.

To the respective flag officers, captains, and commanding officers of her Majesty's ships, and to all others whom it may concern.(1) (L.S.)

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35 & 36 Victoria.—A.D. 1872.

CAP. XXXIX.

An Act for amending the Law in certain Cases in relation to Naturalization.(2) [25th July 1872.]

WHEREAS by a convention between her Majesty and the United States of America, supplementary to the convention of the thirteenth day of May one thousand eight hundred and seventy, respecting naturalization, and signed at Washington on the twenty-third day of February one thousand eight hundred and seventy-one, and a copy of which is contained in the schedule to this Act, provision is made in relation to the renunciation by the citizens and subjects therein mentioned of naturalization or nationality in the presence of the officers therein mentioned:

And whereas doubts are entertained whether such provisions are altogether in accordance with the Naturalization Act, 1870: And whereas other doubts have arisen with respect to the effect of "The Naturalization Act, 1870," on the rights of women married before the passing of that Act; and it is expedient to remove such doubts:

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as the Naturalization Act, 1872, and this Act and "The Naturalization Act, 1870,"(3) may be cited together as "The Naturalization Acts, 1870 and 1872."

Confirmation of renunciation of nationality under the convention.

2. Any renunciation of naturalization or of nationality made in manner provided by the said supplementary convention by

(1) *See* additional forms in Pacific Islanders Protection Act, 1875 (38 & 39 Vict. c. 51.), Schedules A. and B., *post*.

(2) *See* the Naturalization Act, 1870, 33 & 34 Vict. c. 14., p. 473, *ante*, and the Naturalization Oath Act, 1870, 33 & 34 Vict. c. 102., p. 499, *ante*.

(3) 33 & 34 Vict. c. 14., p. 473, *ante*.

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the persons and under the circumstances in the said convention in that behalf mentioned shall be valid to all intents, and shall be deemed to be authorised by the said Naturalization Act, 1870. This section shall be deemed to take effect from the date at which the said supplementary convention took effect.

Saving clause as to property of married women.

3. Nothing contained in "The Naturalization Act, 1870," shall deprive any married woman of any estate or interest in real or personal property to which she may have become entitled previously to the passing of that Act, or affect such estate or interest to her prejudice.

SCHEDULE.

CONVENTION between Her Majesty and the United States of America, supplementary to the Convention of May 13, 1870, respecting Naturalization.

Signed at Washington, 23d February 1871.

[*Ratifications exchanged at Washington, May* 4, 1871.]

WHEREAS by the second article of the convention between her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the United States of America for regulating the citizenship of subjects and citizens of the contracting parties who have emigrated or may emigrate from the dominions of the one to those of the other party, signed at London, on the 13th of May 1870, it was stipulated that the manner in which the renunciation by such subjects and citizens of their naturalization, and the resumption of their native allegiance, may be made and publicly declared, should be agreed upon by the governments of the respective countries; her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the President of the United States of America, for the purpose of effecting such agreement, have resolved to conclude a supplemental convention, and have named as their plenipotentiaries, that is to say; her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Sir Edward Thornton, Knight Commander of the Most Honourable Order of the Bath, and her Envoy Extraordinary and Minister Plenipotentiary to the United States of America; and the President of the United States of America, Hamilton Fish, Secretary of State; who have agreed as follows:

ARTICLE I.

Any person being originally a citizen of the United States who had, previously to May 13, 1870, been naturalized as a British subject, may at any time before August 10, 1872, and any British subject who at the date first aforesaid, had been naturalized as a citizen within the United States, may at any time before May 12, 1872, publicly declare his renunciation of such naturalization by subscribing an instrument in writing, substantially in the form hereunto appended, and designated as annex A.

Such renunciation by an original citizen of the United States, of British nationality, shall, within the territories and jurisdiction of the United States, be made in duplicate, in the presence of any court authorized by law for the time being to admit aliens to naturalization, or before the clerk or prothonotary of any such court: if the declarant be beyond the territories of the United States, it shall be made in

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duplicate, before any diplomatic or consular officer of the United States. One of such duplicates shall remain of record in the custody of the court or officer in whose presence it was made; the other shall be, without delay, transmitted to the department of state.

Such renunciation, if declared by an original British subject, of his acquired nationality as a citizen of the United States, shall, if the declarant be in the United Kingdom of Great Britain and Ireland, be made in duplicate, in the presence of a justice of the peace; if elsewhere in her Britannic Majesty's dominions, in triplicate, in the presence of any judge of civil or criminal jurisdiction, of any justice of the peace, or of any other officer for the time being authorized by law, in the place in which the declarant is, to administer an oath for any judicial or other legal purpose; if out of her Majesty's dominions, in triplicate, in the presence of any officer in the diplomatic or consular service of her Majesty.

ARTICLE II.

The contracting parties hereby engage to communicate each to the other, from time to time, lists of the persons who, within their respective dominions and territories, or before their diplomatic and consular officers, have declared their renunciation of naturalization, with the dates and places of making such declarations, and such information as to the abode of the declarants, and the times and places of their naturalization, as they may have furnished.

ARTICLE III.

The present convention shall be ratified by her Britannic Majesty, and by the President of the United States by and with the advice and consent of the senate thereof, and the ratifications shall be exchanged at Washington as soon as may be convenient.

In witness whereof, the respective plenipotentiaries have signed the same, and have affixed thereto their respective seals.

Done at Washington, the twenty-third day of February, in the year of our Lord one thousand eight hundred and seventy-one.

(L.S.) EDWD. THORNTON.
(L.S.) HAMILTON FISH.

ANNEX (A.)

I, A.B., of (insert abode), being originally a citizen of the United States of America (or a British subject), and having become naturalized within the dominions of her Britannic Majesty as a British subject (or as a citizen within the United States of America), do hereby renounce my naturalization as a British subject (or citizen of the United States); and declare that it is my desire to resume my nationality as a citizen of the United States (or British subject).

(Signed) A.B.

Made and subscribed before me in (insert country or other subdivision, and state, province, colony, legation, or consulate), this day of 187 .

(Signed) E.F.,
Justice of the peace (or other title).
(L.S.) EDWD. THORNTON.
(L.S.) HAMILTON FISH.

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35 & 36 Victoria.—A.D. 1872.

Cap. LXVII.

An Act for making further provision respecting the application of the Revenues of Greenwich Hospital.

[10th August 1872.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and construction of Act.

1. This Act may be cited as the Greenwich Hospital Act, 1872; and this Act and the Greenwich Hospital Acts, 1865 to 1870,(1) shall be read and have effect together as one Act, and may be cited together as the Greenwich Hospital Acts, 1865 to 1872.

Substitution of annuities for pensions to masters and seamen of mercantile marine.

2. The Admiralty may from time to time provide life annuities for masters and seamen of the mercantile marine who contributed out of their wages the sum of sixpence per month towards the support of Greenwich Hospital, by the purchase of annuities for their lives and benefit from the commissioners for the reduction of the national debt, under the Savings Banks Annuities Acts, being the Acts described in the schedule to this Act.

Annuities shall be purchased under this section for such persons only as are entitled to pensions under the regulations made by order of her Majesty in council, under section twelve of the Greenwich Hospital Act, 1869, in force at the passing of this Act; and the amount of any annuity purchased for any person under this section shall not exceed the amount of pension to which the annuitant would be entitled under those regulations.

As soon as provision has been so made for all such pensions as aforesaid, the same being declared by her Majesty in council, the annual sum payable by the Admiralty to the Board of Trade for those pensions shall cease to be payable.

Notwithstanding anything in the Savings Banks Annuities Acts,(2) the amount of any annuity purchased under this section may be such as the Admiralty and the commissioners for reduction of the national debt from time to time agree; and subject thereto all the provisions of the Savings Banks Annuities Acts shall extend and apply to every such annuity.

Purchase of annuities out of capital.

3. The purchase by the Admiralty under this Act of life annuities shall be made by means of cash for the time being standing to the credit of the Greenwich Hospital capital

(1) *See* 28 & 29 Vict. c. 89., p. 377, *ante*; 32 & 33 Vict. c. 44., p. 465, *ante*.
(2) *See* schedule, p. 527, *post*.

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account; and for that purpose the Admiralty may from time to time convert into money any bank annuities, stocks, funds, or securities for the time being held by them for the benefit of Greenwich Hospital; and all money produced thereby shall be paid into the Bank of England to the cash account of her Majesty's paymaster-general, who shall carry the same to the Greenwich Hospital capital account.

Education and maintenance of daughters of seamen and marines, &c.

4. The Admiralty may, under regulations to be from time to time made by them, provide, wholly or in part, for the education and maintenance of daughters of warrant officers, non-commissioned officers, and men, of the royal navy and marines, subject to the following restrictions:

(1.) The total number of girls being educated and maintained under this section at any one time shall not exceed two hundred:

(2.) The amount expended under this section on the education and maintenance of any girl shall not exceed the rate of twenty pounds a year.

Education and maintenance of sons and daughters of deceased officers, &c.

5. The Admiralty may, under regulations to be from time to time made by them, provide, wholly or in part, for the education and maintenance of sons and daughters of deceased or distressed commissioned officers of the royal navy or marines, subject to the following restrictions:(1)

* * * * * * *

(2.) The amount expended under this section on the education and maintenance of any boy or girl shall not exceed the rate of twenty pounds a year.

* * * * * * *

Section 20 of the Act of 1865 to extend to pensions, &c. of any kind.

8. The provisions of section twenty of the Greenwich Hospital Act, 1865,(2) as far as the same relate to salaries, shall extend to pensions and pecuniary benefits of any kind.

SCHEDULE.

Savings Banks Annuities Acts.

16 & 17 Vict. c. 45.—An Act to consolidate and amend the laws and to grant additional facilities in relation to the purchase of government annuities through the medium of savings banks, and to make other provisions in respect thereof.

27 & 28 Vict. c. 43.—An Act to grant additional facilities for the purchase of small government annuities, and for assuring payments of money on death.

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(1) The total number of boys and girls being educated under this section is not to exceed such number as may from time to time be prescribed by her Majesty in council, *see* 48 & 49 Vict. c. 42. s. 5., *post*.

(2) 28 & 29 Vict. c. 89., p. 380, *ante*.

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35 & 36 Victoria.—A.D. 1872.

Cap. LXXIII.

An Act to amend the Merchant Shipping Acts and the Passenger Acts. [10th August 1872.]

WHEREAS it is expedient to amend the Merchant Shipping Acts and the Passengers Acts:

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title.

1. This Act may be cited as the Merchant Shipping Act, 1872.

General.

Her Majesty may accept offers of persons recommended by the Admiralty to serve as officers of the royal naval reserve.

17. It shall be lawful for her Majesty to accept from time to time the offers of any person whom the lord high admiral or the commissioners for executing his office may recommend, to serve as officers of reserve in the royal navy, upon such terms and conditions as to her Majesty may from time to time seem fit, and the "Officers of the Royal Naval Reserve Act, 1863,"(1) shall be read and construed as if this clause formed part of the said Act.

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36 & 37 Victoria.—A.D. 1873.

Cap. LIX.

An Act for regulating and extending the Jurisdiction in matters connected with the Slave Trade of the Vice-Admiralty Court at Aden, and of Her Majesty's Consuls under Treaties with the Sovereigns of Zanzibar, Muscat, and Madagascar, and other future Treaties.(2) [5th August 1873.]

WHEREAS treaties for the more effectual suppression of the slave trade have been made by or on behalf of her Majesty with chiefs or states in Arabia, and on the shores of the Persian gulf, and on the east coast of Africa, and in the islands of Madagascar and Zanzibar, and the Comoro islands:

6 & 7 Vict. c. 94.

And whereas by the Foreign Jurisdiction Act, 1843, it was among other things enacted "that it is and shall be lawful for

(1) 26 & 27 Vict. c. 69., p. 337, *ante*.
(2) *See* Slave Trade (East African Courts) Act, 1879, 42 & 43 Vict. c. 38., *post*.

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" her Majesty to hold, exercise, and enjoy any power or juris-
" diction which her Majesty now hath or may at any time
" hereafter have within any country or place out of her Majesty's
" dominions, in the same and as ample a manner as if her
" Majesty had acquired such power or jurisdiction by the
" cession or conquest of territory:"

And whereas by various treaties her Majesty is empowered to exercise jurisdiction within the dominions of the Sultan of Zanzibar, the Imaum of Muscat, and the Sovereign of Madagascar, in regard to vessels captured on suspicion of being engaged in the slave trade:

And whereas by an order in council relating to the dominions of the Sultan of Zanzibar, and dated the ninth day of August one thousand eight hundred and sixty-six, and another order in council relating to the dominions of the Imaum of Muscat, and dated the fourth day of November one thousand eight hundred and sixty-seven, and a third order in council relating to the dominions of the Sovereign of Madagascar, and dated the fourth day of February one thousand eight hundred and sixty-nine, it was in each case ordered that her Majesty's consul within the dominions to which the order relates should, for and within the said dominions, and in regard to vessels captured on suspicion of being engaged in the slave trade within those dominions, have all such jurisdiction as for the time being ordinarily belongs to courts of vice-admiralty in her Majesty's possessions abroad:

And whereas a vice-admiralty court has been established at Aden, but has only a limited jurisdiction in matters relating to the slave trade:

And whereas by "The Slave Trade Jurisdiction (Zanzibar) Act, 1869," provision was made for the exercise of the said jurisdiction by her Majesty's consul within the dominions of the Sultan of Zanzibar: 32 & 33 Vict. c. 75.

And whereas it is expedient to make further provision for the exercise of the said jurisdiction by her Majesty's consuls within the dominions of the Sovereigns of Zanzibar, Muscat, and Madagascar, and for the exercise of jurisdiction in matters relating to the slave trade by the vice-admiralty court at Aden:

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Slave Trade (East African Courts) Act, 1873. Short title.

2. In this Act— Definition of terms.

The term "vessel" means any vessel used in navigation:

The term "treaty" includes any convention, agreement, engagement, or arrangement:

The term "foreign state" includes any foreign nation, people, tribe, sovereign, prince, chief, or head man:

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The term "existing East African slave trade treaty" means a treaty made by or on behalf of her Majesty with any foreign state in Arabia or on the east coast of Africa, or the shores of the Persian gulf, or in any island lying off Arabia or of such coast or shores, including the islands of Zanzibar and Madagascar and the Comoro islands, for the more effectual suppression of the slave trade, and in force at the passing of this Act:

(1) * * * * * * *

Jurisdiction of courts in regard to slave vessels, slaves, goods, and effects.

3. All jurisdiction which is by any Act conferred on the vice-admiralty courts(2) in her Majesty's possessions abroad, in regard to British vessels(3) seized by the commander or officer of any of her Majesty's ships on suspicion of being engaged in or fitted out for the slave trade, and in regard to the persons, slaves, goods, and effects on board thereof, is hereby conferred on the East African courts, in regard to vessels seized by the commander or officer of any of her Majesty's ships on suspicion of being engaged in or fitted out for the slave trade, and to the persons, slaves, goods, and effects on board thereof, in the following cases; namely,

(1.) Where the vessel seized is a British vessel;

(2.) Where the vessel seized has been seized in pursuance of any existing East African slave trade treaty; and

(3.) Where the vessel seized is not shown to the court to be entitled to claim the protection of the flag of any foreign state.

Each of the East African courts shall have the same jurisdiction in regard to any person who has been seized either at sea or land, on the ground that he has or is suspected to have been detained as a slave, for the purpose of the slave trade, as the court would have under this section if he had been so detained on board a vessel that was seized and brought in for adjudication.

All jurisdiction exercised under this section shall for the purposes of any such Act as above mentioned be deemed to be exercised in pursuance of that Act.(4)

Appeal to her Majesty in council.

4. The provisions of the Vice-Admiralty Courts Act, 1863,(5) with respect to appeals to her Majesty in council from any decree or order of a vice-admiralty court shall apply, mutatis mutandis, to appeals from any decree or order of the East African courts made or purporting to be made in the exercise of their jurisdiction under this Act.

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(1) *See* definition of "East African courts," which is substituted for repealed clause by Slave Trade (East African Courts) Act, 1879 (42 & 43 Vict. c. 38.), s. 2, *post*.

(2) *See* 36 & 37 Vict. c. 88. s. 5., p. 553, *post*.

(3) *See*, for description of British ships, 17 & 18 Vict. c. 104. s. 18., p. 165, *ante*.

(4) *See*, for extension of jurisdiction of East African courts to British vessel seized by commander or officer of foreign vessel, Slave Trade (East African Courts) Act, 1879 (42 & 43 Vict. c. 38.), s. 4., *post*.

(5) *See* 26 & 27 Vict. c. 24. ss. 22., 23.

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Making of rules and tables of fees under 26 & 27 Vict. c. 24. ss. 14. to 18.

5. The provisions of the Vice-Admiralty Courts Act, 1863,(1) with respect to rules touching the practice to be observed in the vice-admiralty courts, and tables of fees to be taken by the officers and practitioners thereof, shall apply in like manner as if they were herein enacted, with the substitution of the East African courts for the vice-admiralty courts, and of the place in which any such court is held for the British possession in which the vice-admiralty court is established.

Application of Act to cases already adjudicated.

6. This Act shall apply to all cases of vessels, slaves, goods, and effects seized by the commander or officer of any of her Majesty's ships, and adjudicated upon by any of the East African courts, whether before or after the passing of this Act.

Extension of Act to future treaties.

7. Where any treaty in relation to the slave trade is made after the passing of this Act, by or on behalf of her Majesty, with any foreign state in Arabia, or on the east coast of Africa, or on the shores of the Persian gulf, or in any island lying off Arabia or off such coast or shores, including the islands of Zanzibar and Madagascar and the Comoro islands, her Majesty may by order in council direct that as from such date, not being earlier than the date of the treaty, as may be specified in the order, such treaty shall be deemed, and thereupon (as from the said date, or if no date is specified, as from the date of such order) such treaty shall be deemed to be an existing East African slave trade treaty within the meaning of this Act, and the provisions of this Act shall apply and be construed accordingly.

Her Majesty may by such order, or any subsequent order referring to the same treaty, render the application of this Act subject to such conditions, exceptions, and qualifications as may be deemed expedient, and limit or exclude the jurisdiction of any of the East African courts.

Her Majesty may by such order, or any subsequent order referring to the same treaty, direct that any court, consul, or person authorized by or in pursuance of an order in council to exercise within the dominions of the foreign state with whom the treaty is made jurisdiction in matters relating to the slave trade, shall, subject to the conditions, exceptions, and limitations, if any, contained in the order, exercise all the jurisdiction conferred by this Act on the East African courts; and such court, consul, or person when exercising such jurisdiction, shall be deemed to be one of the East African courts within the meaning of this Act.

Every such order shall recite or embody the terms of the treaty, so far as they relate to the slave trade, and shall be laid before both Houses of Parliament within six weeks after it is made, or, if Parliament be not then sitting, within six weeks after the then next meeting of Parliament, and shall also be published in the London Gazette.

(1) *See* 26 & 27 Vict. c. 24. ss. 14.–18.

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A treaty, whether made before or after the passing of this Act, which ceases to be in force, shall cease to be an existing East African slave trade treaty within the meaning of this Act.(1)

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36 & 37 Victoria.—A.D. 1873.

Cap. LXXVII.

An Act to provide for the establishment of a Royal Naval Artillery Volunteer Force. [5th August 1873.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

Organization of Royal Naval Artillery Volunteer Force.

Acceptance of Service.

Power to the Crown to accept services through Admiralty.

1. It shall be lawful for her Majesty, through the Admiralty, to accept the services of any persons desiring to be formed under this Act into a royal naval artillery volunteer corps, and offering their services to her Majesty through the Admiralty.

On such acceptance the proposed corps shall be deemed lawfully formed under this Act.

Permanent Staff.

Power to the Admiralty to form a permanent staff.

2. The Admiralty may from time to time constitute for any naval artillery volunteer corps a permanent staff, consisting of a naval officer, and of so many seamen instructors as may seem fit, or of such an officer, or of such seamen instructors, alone.

For the purposes of this Act, but subject to any other provisions made by regulations of the Admiralty under this Act, all such officers shall be deemed officers of the respective corps, and all such seamen instructors shall be deemed to belong to the respective corps, on the permanent staff whereof they serve, and shall be deemed respectively officers and petty officers of the naval artillery volunteer permanent staff; but nothing in this Act shall be taken to exempt any officer or petty officer of the permanent staff of a naval artillery volunteer corps from being subject (if it be so directed by regulat ons of the Admiralty) to the orders of the officers of the corps, according to such regulations, and subject thereto according to their rank and the laws and usages of her Majesty's navy.

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(1) *See*, as to treaty with government of Egypt, Slave Trade (East African Courts) Act, 1879 (42 & 43 Vict. c. 38.), s. 3., *post*.

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Quitting of corps by petty officers of permanent staff.

3. Any petty officer of the naval artillery volunteer permanent staff who enters into any engagement which in the opinion of the Admiralty is inconsistent with his duties as such petty officer, shall be deemed to have quitted the corps; and any petty officer of the said permanent staff who quits a corps shall deliver up in good order, fair wear and tear only excepted, all arms, clothing, and appointments issued to him as a petty officer of such permanent staff; and the Admiralty may, if it seem it, cause him to be put under stoppages of any money payable to him by or through the Admiralty until he has repaid the value of any such arms, clothing, or appointments not so delivered up.

Officers and Volunteers.

Officers commissioned by Admiralty.

4. The officers of a naval artillery volunteer corps shall be commissioned by the Admiralty, and such commission shall not be deemed vacated by the revocation, expiration, or discontinuance of the letters patent by which the Admiralty issuing the same were appointed.

Rank of officers.

5. Officers of the naval artillery volunteer force shall have the same rank with respect to officers of the royal navy as officers of the royal naval reserve, and shall rank with officers of the royal naval reserve as the youngest of their respective ranks.

As to command of volunteer officers over other forces.

Officers of the naval artillery volunteer force, when not on actual service, shall not be entitled to exercise any command over any officers or men of the royal navy or marines, or royal naval volunteers, and when on actual service shall not be entitled to exercise any such command otherwise than as may be from time to time provided by regulation.

As to members of House of Commons accepting commissions.

6. The acceptance of a commission in the naval artillery volunteer force by a member of the Commons House of Parliament shall not render his seat vacant.

Power for volunteer to quit his corps on conditions herein stated.

7. Any volunteer may, except when on actual service, quit his corps on complying with the following conditions; namely,—

(1.) giving to the commanding officer of his corps fourteen days notice in writing of his intention to quit the corps;

(2.) delivering up in good order, fair wear and tear only excepted, all arms, clothing, and appointments, being public property or property of his corps, issued to him; and

(3. paying all money due or becoming due by him, under the rules of his corps, either before or at the time or by reason of his quitting it:

and thereupon he shall be struck out of the muster roll of the corps by the commanding officer.

If any volunteer gives such notice, and the commanding officer refuses to strike him out of the muster roll, and the volunteer

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considers himself aggrieved thereby, the volunteer may appeal to some court of summary jurisdiction for the place in which the head quarters of the corps are situate (not constituted of members of the corps), who shall hear and determine the appeal, and may, for the purposes thereof, administer oaths and examine any person as a witness; and if it appears to such court that the arms, clothing, and appointments issued to the volunteer, being public property or property of his corps, have been delivered up in good order (fair wear and tear only excepted), or that he has paid or is ready to pay sufficient compensation for any damage that such articles may have sustained, and that all money due or becoming due by him under the rules of his corps, either before or at the time of or by reason of his quitting it, has been paid, such court may order the commanding officer forthwith to strike such volunteer out of the muster roll of his corps, and their determination shall be binding on all persons.

As to discharge of volunteer taking service in militia or army.

8. If any volunteer enrols himself in the royal navy or marines, or in the royal naval volunteers, or as a volunteer or substitute in the militia, or is attested to serve on the permanent staff thereof, or enlists in her Majesty's army, he shall be deemed discharged from the naval artillery volunteer force, and the commanding officer of his corps shall strike him out of the muster roll thereof.

He shall, nevertheless, be liable to deliver up in good order, fair wear and tear only excepted, all arms, clothing, and appointments, being public property or property of his corps, issued to him, and to pay all money due or becoming due by him, under the rules of his corps, either before or at the time of or by reason of his discharge. If such arms, clothing, and appointments are not so delivered up by him, or such money is not paid by him, then, without prejudice to any proceeding or remedy against him under this Act, he may, under an order of the Admiralty, or one of her Majesty's principal secretaries of state, as the case may be, if it seem fit, be put under stoppages out of any bounty or pay receivable by him, or both, until the value of such arms, clothing, or appointments not so delivered up, or such money (as the case may be), is fully paid.

General Command.

Volunteers to be under command of naval officers, &c.

9. Whenever any volunteers are on actual service, or are undergoing drill, exercise, training, or inspection, or are voluntarily doing any duty, they and their officers shall, subject to regulations under this Act, be under the command of the officers and petty officers of the royal navy, so, nevertheless, that the volunteers shall, when the circumstances of the service admit, be led by their own officers and petty officers under such command.

Inspection.

Annual inspection.

10. An annual inspection of every naval artillery volunteer corps shall be held by some officer appointed by the Admiralty.

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Efficiency.

11. The Admiralty may from time to time, by regulations, declare what is requisite to entitle a volunteer to be deemed an efficient volunteer, by defining for that purpose the extent of attendance at drill to be given by the volunteer, and the course of instruction to be gone through by him, and the degree of proficiency in drill and instruction to be attained by him, and his corps, such proficiency to be judged of by the inspecting officer at the annual inspection of the corps, or otherwise, as from time to time provided by regulation. Requisites of efficiency to be declared by Admiralty.

Disbanding of Corps.

12. The Admiralty may disband or discontinue the services of any naval artillery volunteer corps, or any part thereof, whenever it seems to them expedient to do so. Power to the Admiralty to disband corps.

Administrative Organization.

13. Where two or more separate naval artillery volunteer corps are formed by the authority of the Admiralty into a united body for naval or administrative purposes, herein-after called a brigade, the Admiralty may from time to time constitute for such brigade a permanent staff, consisting of an officer, and of so many seamen instructors as may seem fit, or of such an officer, or of such seamen instructors, alone. Power to Admiralty to appoint a permanent staff on formation of brigade.

For the purposes of this Act, but subject to any other provisions made by regulations of the Admiralty under this Act, all such officers shall be deemed officers of the respective brigades, and all such seamen instructors shall be deemed to belong to the respective brigades, on the permanent staff whereof they serve, but not to be officers of or to belong to any of the separate corps formed into those brigades, and shall be deemed respectively officers and petty officers of the naval artillery volunteer permanent staff; but nothing in this Act shall be taken to exempt any officer or petty officer of the permanent staff of such a brigade from being subject (if it be so directed by regulations of the Admiralty) to the orders of the officers of the brigade and of the separate corps formed into the same, according to such regulations, and subject thereto, according to their rank, and the laws and usages of the royal navy.

The officers of every such brigade shall be commissioned by the Admiralty, and such commission shall not be deemed vacated by the revocation, expiration, or discontinuance of the letters patent by which the Admiralty issuing the same were appointed.

Notwithstanding the formation of any such brigade, the separate corps formed into the same shall be severally deemed naval artillery volunteer corps for all the purposes of this Act.

Courts of Inquiry.

14. The Admiralty may at any time assemble a court of inquiry to inquire into any matter relative to any naval artillery Court of inquiry to report to the Admi-

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ralty or the commanding officer.

volunteer corps or brigade, or to any officer or volunteer or any officer or petty officer of the permanent staff belonging thereto, and to record the facts and circumstances ascertained on such inquiry, and, if required, to report on the same, for the information and assistance of the Admiralty; such court, where the inquiry is with reference to an officer, to be composed of officers either of the royal navy or of the naval artillery volunteer force, or partly of officers of the royal navy, and partly of officers of the naval artillery volunteer force, and in other cases to be composed either of such officers as aforesaid, and of volunteers belonging to the corps or brigade, or of such officers, or of such volunteers.

The commanding officer of a naval artillery volunteer corps or brigade may at any time assemble a court of inquiry, composed either of officers and volunteers belonging to the corps or brigade, or of such officers, or of such volunteers, to inquire into any matter relative to the corps or brigade, or to any volunteer or petty officer of the permanent staff belonging thereto, and to record the facts and circumstances ascertained on such inquiry, and, if required, to report on the same, for the information and assistance of the commanding officer; but nothing herein shall authorise any inquiry with reference to an officer otherwise than by a court assembled by direction of the Admiralty, and composed exclusively of such officers as above provided in this section in the case of courts assembled by the Admiralty.

Regulations.

Power to Admiralty to make regulations for government of naval artillery volunteer force.

15. The Admiralty may from time to time make regulations respecting anything in this Act directed or authorised to be done or provided by regulation, and also such regulations as may seem fit (not being inconsistent with any of the provisions of this Act) respecting—

the appointment, promotion, and rank of officers; and

the assembling and proceedings of courts of inquiry to inquire into and report on any matter connected with the government or discipline of a naval artillery volunteer corps or brigade;

and for the full execution of this Act, and the general government and discipline of the naval artillery volunteer force, and may alter or repeal any such regulations; and may call for such returns as may from time to time seem requisite.

PART II.

ACTUAL SERVICE.

In case of invasion, power to the Crown to call out volunteers

16. In case of actual or apprehended invasion of any part of the United Kingdom, (the occasion being first communicated to both Houses of Parliament if Parliament is sitting, or declared in council and notified by proclamation if Parliament is not

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sitting,) her Majesty may direct the Admiralty to call out the naval artillery volunteer corps, or any of them, for actual service. for actual service.

Every officer and volunteer and every officer and petty officer of the permanent staff belonging to every corps so called out shall be bound to assemble at such place and embark on board such ships, and perform such service on board ship, or partly on board ship and partly on land, as may be directed by the Admiralty, but the Admiralty shall employ such officer (other than an officer of the permanent staff) and a volunteer only (unless he otherwise consent) in ships engaged in the defence of the coasts of the United Kingdom, Channel Islands, and Isle of Man, and on service in the seas adjacent.

Every such officer, volunteer, and petty officer from the time of his corps being so called out shall, for the purposes of this Act, be deemed on actual service. If any such officer, volunteer, or petty officer, not incapacitated by infirmity for service, refuses or neglects to so assemble or embark, he shall be deemed a deserter.

17. Whenever a naval artillery volunteer corps is called out for actual service, the following provisions shall take effect: Allowances to volunteer corps so called out.

(1.) There shall be issued, in manner provided by regulation, the sum of two guineas for the use of every officer and volunteer and officer and petty officer of the permanent staff belonging to and assembling with the corps (except such of them as do not desire to receive the benefit thereof); and each such sum, or so much thereof as the commanding officer of the corps thinks fit, shall be laid out, under the direction of the commanding officer, in providing necessaries for each such officer, volunteer, and petty officer; and within one month after receipt thereof, an account shall be settled with each such officer, volunteer, and petty officer, respecting the application thereof, and any unapplied residue thereof shall be paid to him:

(2.) Such officers, volunteers, and petty officers shall be entitled to receive pay and to be victualled, and to allot a share of pay to their wives and families in like manner as the officers, petty officers, and seamen of her Majesty's navy respectively:

(3.) On the release of the corps from actual service there shall be paid, in manner provided by regulation, one guinea to every such officer, volunteer, and petty officer present with the corps at the time of such release (except such of them as do not desire to receive the same), in addition to his pay.

18. After a naval artillery volunteer corps has been called out for actual service, the corps shall be deemed released from actual service only by an order in writing sent from the Admiralty to As to release of corps from actual service.

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the senior officer under whose command the corps is serving, to be delivered by such senior officer to the commanding officer of the corps; which order the Admiralty shall issue upon and as soon as may be after a proclamation of her Majesty declaring the occasion to have passed, and not sooner or otherwise.

Before a naval artillery volunteer corps is released from actual service the corps shall be returned to the place in which its head quarters were situate at the time that it was called out.

Provision for officers and men disabled, and for widows of officers killed.

19. An officer of the naval artillery volunteer force disabled on actual service shall be entitled to half pay, according to his rank; and the widow of such an officer killed on actual service shall be entitled to the like pension for life as the widow of an officer of her Majesty's navy.

A volunteer or petty officer of the volunteer permanent staff, disabled on actual service, shall, according to his rank, be entitled to the like pension and other benefits, if any, as a petty officer or seaman of her Majesty's navy.

PART III.

Discipline.

Officers and Volunteers.

As to discipline of naval artillery volunteer force while not on actual service.

20. With respect to the discipline of officers and volunteers, and officers and petty officers of the naval artillery volunteer permanent staff while they are not on actual service, or undergoing drill, exercise, training, or inspection together with or voluntarily doing any duty together with her Majesty's navy or marines, or her Majesty's regular forces, or any part thereof, the following provisions shall take effect:—

(1.) The commanding officer of a naval artillery volunteer corps may, subject to such appeal to the Admiralty as herein-after mentioned, discharge from the corps any volunteer, and strike him out of the muster roll, either for disobedience of orders by him while doing any duty with his corps, or for neglect of duty, or misconduct by him as a member of the corps—or for other sufficient cause—the existence and sufficiency of such causes respectively to be judged of by the commanding officer, or in case of appeal by the Admiralty:

(2.) The volunteer so discharged shall, nevertheless, be liable to deliver up in good order) fair wear and tear only excepted) all arms, clothing, and appointments, being public property or property of his corps, issued to him, and to pay all money due or becoming due by him, under the rules of his corps, either before or at the time or by reason of his discharge. Any volunteer who feels aggrieved by such discharge may appeal to the Admiralty within a reasonable time after such discharge, and the Admiralty may cancel or confirm

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such discharge or give such other directions with reference thereto as to them may seem just and proper, and such order of the Admiralty shall be binding on all persons:

(3.) If any such officer, volunteer, or petty officer as aforesaid, while

(*a.*) He is on board any of her Majesty's ships or on march or duty with the corps or brigade to which he belongs, or any portion thereof, or

(*b.*) He is engaged in any exercise or drill with such corps or brigade, or any portion thereof, or

(*c.*) He is wearing the clothing or accoutrements of such corps or brigade, and is going to or returning from any of her Majesty's ships or any place of exercise, drill, or assembly of such corps or brigade, or is otherwise on duty,

disobeys any lawful order of any officer under whose command he then is, or is guilty of misconduct, the officer then in command of the corps or brigade, or any superior officer under whose command the corps or brigade then is, may order the offender, if an officer, into arrest, and if not an officer, into the custody of any volunteer belonging to the corps or brigade, or of any petty officer of the naval artillery volunteer permanent staff:

Provided that the offender be not kept in such arrest or custody longer than during the time of the corps or brigade, or such portion thereof as aforesaid, then remaining on board any of her Majesty's ships, or on march, or duty, or continuing engaged in any such exercise or drill as aforesaid, or otherwise on duty, and for the purposes of this provision any such officer or volunteer or petty officer while going to or returning from any of her Majesty's ships or any place of exercise, drill, or assembly of his corps shall be deemed to be on duty so long as he continues to wear the clothing or accoutrements of such corps or brigade:

(4.) Every such arrest shall be forthwith reported to the commanding officer of the corps, or such other officer as may be provided by regulation:

(5.) The Admiralty may, subject to regulations under this Act, remove from the naval artillery volunteer permanent staff any officer or petty officer of such staff for such reasons, and in such manner, and after such inquiry or trial as may be provided by the said regulations.

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Actual Service.

As to discipline of naval artillery volunteer force when on actual service.

21. With respect to the discipline of officers and volunteers of the naval artillery volunteer force and officers and petty officers of the permanent staff thereof when they are on actual service, or are undergoing drill, exercise, training, or inspection, together with or voluntarily doing any duty together with her Majesty's navy or marines, or her Majesty's regular forces, or any part thereof, the following provisions shall take effect; namely,—

The Naval Discipline Act, 1866,(1) and all the laws and customs for the time being in force for the government of her Majesty's ships and the crews thereof when on actual service, shall extend to and apply to and in the case of all officers and volunteers of the naval artillery volunteer force and officers and petty officers of the naval artillery volunteer permanent staff, and those officers, volunteers, and petty officers shall be subject to the said Act, laws, and customs, and shall also be entitled to the benefits thereof, in all respects as the officers and seamen of her Majesty's navy for the time being are, and as if the naval artillery volunteer force, including the permanent staff, belonged to and formed part of her Majesty's navy, subject only to this variation, that a court-martial for the trial of an officer of the naval artillery volunteer force or volunteer or officer or petty officer of the permanent staff thereof shall be composed, partly at least, of officers of the naval artillery volunteer force.

PART IV.

RULES AND PROPERTY OF CORPS.

Power for corps to make rules, subject to the approval of the Admiralty.

22. The officers and volunteers belonging to a naval artillery volunteer corps may from time to time make rules for the management of the property, finances, and civil affairs of the corps, and may alter or repeal any such rules; but any such rules shall not have effect unless and until the commanding officer of the corps thinks fit to transmit the same to the Admiralty for their approval, and such approval is notified by the Admiralty to the commanding officer of the corps, to be by him forthwith communicated to the corps; whereupon the rules so approved shall be binding on all persons.

A copy of the rules in print or writing, or partly in print and partly in writing, certified under the hand of the commanding officer as a true copy of the rules whereof such approval has been notified as aforesaid, shall be conclusive evidence of the rules of the corps.

Vesting of property of corps in com-

23. All moneys subscribed by or to or for the use of a naval artillery volunteer corps or brigade, and all effects belonging to

(1) 29 & 30 Vict. c. 109., p. 405, *ante*.

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any such corps or brigade, or lawfully used by it, not being the property of any individual officer or volunteer or officer or petty officer of the permanent staff belonging to the corps or brigade, and the exclusive right to sue for and recover current subscriptions, arrears of subscriptions, and other money due to the corps or brigade, and all lands acquired by the corps or brigade, shall vest in the commanding officer of the corps or brigade for the time being, and his successors in office, with power for him and his successors to sue, to make contracts and conveyances, and to do all other lawful things relating thereof; and any civil or criminal proceeding taken by virtue of the present section by the commanding officer of a corps or brigade shall not be discontinued or abated by his death, resignation, or removal from office, but may be carried on by and in the name of his successor in office. manding officer ex officio.

24. The commanding officer of a naval artillery volunteer corps or brigade, receiving any arms, ammunition, or other stores supplied at the public expense or by subscription, shall, subject to the approval of the Admiralty, appoint a proper storehouse for the depositing and safe keeping of such arms, ammunition, or stores. Appointment of storehouses for arms.

25. If any person belonging or having belonged to a naval artillery volunteer corps or brigade neglects or refuses to pay any money subscribed or undertaken to be paid by him towards any of the funds or expenses of such corps or brigade, or due under the rules of such corps, and actually payable by him, or to pay any fine incurred by him under the rules of such corps, such money or fine shall (without prejudice to any other remedy) be recoverable from him, with costs, at any time within twelve months after the same becomes due and payable, as a penalty under this Act is recoverable, and when recovered shall be applied as part of the general fund of the corps or brigade. Recovery of subscriptions or fines.

Provided that the person ordered by the court of summary jurisdiction before whom such money or fine is recoverable to pay such money or fine shall not be imprisoned for default in payment thereof, or of any costs incurred in respect thereof, unless the court on making the order for imprisonment is satisfied that such person has or has had since the date of the order for payment the means to pay such money or fine and refuses or neglects or has refused or neglected to pay the same.

26. If any person designedly makes away with, sells, pawns, wrongfully destroys, wrongfully damages, or negligently loses any thing issued to him as a volunteer or petty officer of the naval artillery volunteer permanent staff, or wrongfully refuses or wrongfully neglects to deliver up, on demand, any thing issued to him as a volunteer or such petty officer, the value thereof shall be recoverable from him, with costs, as a penalty under Wrongful sale, non-delivery, &c. of public or corps property.

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this Act is recoverable; and he shall also, for every such offence of designedly making away with, selling, pawning, or wrongfully destroying as aforesaid, be liable, on the prosecution of the commanding officer of the corps or brigade issuing the thing made away with, sold, pawned, or destroyed, to a penalty not exceeding five pounds.

Wrongful buying of arms, &c. from volunteers.

27. If any person knowingly buys or takes in exchange or pawn from any volunteer or petty officer of the naval artillery volunteer permanent staff, or any person acting on his behalf, or solicits or entices any such volunteer or petty officer to sell or pawn, or knowingly assists or acts for any such volunteer or petty officer in selling or pawning, or has in his possession or keeping, without satisfactorily accounting for, any arms, clothing, or appointments, being public property or property of any naval artillery volunteer corps or brigade, or any public stores or ammunition issued for the use of any such corps or brigade, he shall be liable for the first offence to a penalty not exceeding twenty pounds, and for a second and every subsequent offence to a penalty not exceeding twenty pounds or less than five pounds, with or without imprisonment for any term not exceeding six months, with or without hard labour.

On the prosecution of any person for any subsequent offence under this section, a copy of the conviction, certified by the proper officer of the court among the records of which the conviction is filed, or proved to be a true copy, shall be sufficient evidence to prove a conviction for the former offence, and such conviction shall be presumed not to have been quashed on appeal until the contrary is shown.

Remedy for non-delivery of arms, &c. on demand.

28. Where any person neglects or refuses, on demand made as herein-after mentioned, to deliver up any property (whether arms, clothing, appointments, ammunition, or public stores), which is public property, or the property of a naval artillery volunteer corps or brigade, and has been issued to such person or is in his possession or keeping as an officer or volunteer, or an officer or petty officer of the naval artillery volunteer permanent staff, any court of summary jurisdiction may, upon reasonable ground being shown for a suspicion that the property is to be found on any premises, issue a warrant empowering the person therein named to enter upon such premises and search for the property, and the person so empowered may enter and search accordingly, and shall seize such property, if found, and remove the same with all convenient speed to such place as may be directed by the Admiralty, person, or officer who made the demand.

Notwithstanding any such seizure and removal, the same penalty may be enforced against any person, and the value of any such property may be recovered from the person neglecting or refusing as aforesaid, in the same manner as if such seizure and removal had not been made.

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A demand may be made for the purposes of this section by the following persons; namely,

(1.) In any case by the Admiralty or any person authorised in writing by them:

(2.) In the case of a volunteer and petty officer of the permanent staff and an officer of inferior rank to the person making the demand, by the commanding officer or officer of the permanent staff of the naval artillery volunteer corps or brigade to which such property belongs, or to which such volunteer or officer belongs.

The demand may be made by the delivery of a written notice to the person upon whom the demand is made, or by leaving the same at his usual or last known place of abode, or if no such abode is known, by affixing the same at the orderly room or other room where the business is carried on of the corps or brigade to which he belongs or belonged, or at the place where notices relating to such corps or brigade are usually affixed.

As to wilful injury to butts or targets.

29. If any person wilfully commits any damage to any butt or target belonging to or lawfully used by any naval artillery volunteer corps or brigade, or, without the leave of the commanding officer of the corps or brigade, searches for bullets in or otherwise disturbs the soil forming such butt or target, he shall for every such offence be liable, on the prosecution of the commanding officer, to a penalty not exceeding five pounds.

PART V.

Acquisition of Land for Ranges.

Power of naval artillery volunteer corps to acquire land for necessary purposes.

30. The provisions of part five of the Volunteer Act, 1863,(1) intituled "Acquisition of Land for Ranges," as extended by section seventeen of the Regulation of the Forces Act, 1871,(2) shall apply in like manner as if the said part and section were herein enacted, with the substitution of the Admiralty for one of her Majesty's principal secretaries of state, and of naval artillery volunteer corps for volunteer corps.

PART VI.

Exemptions.

Service in militia.

31. Every officer of the naval artillery volunteer force, and every efficient volunteer, and every officer and petty officer of the naval artillery volunteer permanent staff, shall be exempt from liability to serve personally or to provide a substitute in the militia of England or of Scotland.

In the case of a volunteer, such exemption shall cease on his ceasing to be enrolled in the corps in connexion with which he

(1) *See* 26 & 27 Vict. c. 65. ss. 31.–40., p. 333, *ante*.
(2) 34 & 35 Vict. c. 86. s. 17., p. 504, *ante*.

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becomes entitled to be deemed efficient, unless he quits such corps on account of his changing his place of residence, in which case the exemption shall revive if within ten days after quitting such corps he is enrolled in another naval artillery volunteer corps.

The certificate of the commanding officer of a naval artillery volunteer corps (in the form set forth in the schedule to this Act, with such variations as circumstances may require) certifying that the person named therein is a volunteer enrolled in that corps, and is exempt as aforesaid, shall be conclusive evidence thereof.

Penalty for giving false certificate.

32. If any commanding officer of a naval artillery volunteer corps or brigade knowingly gives any false certificate under this Act, he shall for every such offence be liable to a penalty not exceeding two hundred pounds, to be recovered in England by action in a superior court of law at Westminster, in Scotland by proceedings in the Court of Session, and in the Isle of Man by proceedings in any court of competent jurisdiction, and to be applied to the use of her Majesty.

* * * * * * *

Dues and tolls.

34. Officers and volunteers of the naval artillery volunteer force, and officers and petty officers of the permanent staff belonging thereto, being on march or duty, or going to or returning from the ship or place appointed for, and on the day for drill, exercise, inspection, review, or other public duty, and being in uniform, and any horses, carts, waggons, carriages, vessels, barges, or boats conveying or returning from having conveyed only such officers, volunteers, or petty officers, so being on march or duty, or going, or returning as aforesaid, or conveying, or returning from conveying only baggage or military stores of any naval artillery volunteer force, shall be entitled to the same exemption from dues, duties, or tolls leviable at any pier, wharf, quay, landing-place, or bridge to which any officer or seaman of her Majesty's navy, or any horse, cart, waggon, or carriage conveying such officer or seaman, or conveying her Majesty's naval stores, may respectively by law be entitled.

If any person demands or takes any duty or toll in contravention of the present section, or if any person makes any false representation respecting himself or any other person, or any animal, vessel, or thing, with intent to obtain for himself or otherwise, or fraudulently obtains for himself or otherwise, any exemption under the present section, he shall for every such offence be liable to a penalty not exceeding five pounds.

PART VII.

MISCELLANEOUS.

Summary recovery of pecuniary penalties.

35. Any pecuniary penalty under this Act the mode of recovery of which is not otherwise expressly provided for by this Act, and any money or fine by this Act made recoverable as

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a penalty under this Act is recoverable may be recovered as follows; namely,—

In England may be recovered in manner directed by the Summary Jurisdiction Acts; (1) and

In Scotland may be recovered before the sheriff, and may be recovered under the provisions of the Summary Procedure Act, 1864,(2) and all jurisdictions, powers, and authorities necessary for that purpose are hereby conferred on sheriffs; and

In the Isle of Man may be recovered in such courts, and in such manner as any Act having the force of law therein may from time to time provide, or if there is no such Act which applies, then in and before a court of summary jurisdiction, and in the manner in which the like offences, penalties, and payments may be prosecuted and recovered by the laws of the Isle of Man, or as near thereto as circumstances admit.

Provided that the court of summary jurisdiction in England, when hearing and determining an information or complaint, shall be constituted either of two or more justices of the peace in petty sessions sitting at a place appointed for holding petty sessions, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the administration of justice, and for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace.

All proceedings and matters under this Act which are to be taken or done before or in respect of which jurisdiction is given to a court of summary jurisdiction, shall be deemed to be matters on which that court has authority by law to make an order, in pursuance of the Summary Jurisdiction Acts.

General provisions as to summary proceedings.

36. In any summary proceeding for the purposes of this Act,—

[(1.) The description of any offence under this Act in the words of such Act, or as near thereto as may be, shall be sufficient in law:

(2.) Any exception, exemption, proviso, excuse, or qualification, whether it does or not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information or complaint, and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant or complainant:](3)

(3.) A previous conviction need not be set out or specified in any information or complaint.

Appeal against conviction.

37. Where the sum adjudged to be paid on a summary conviction or adjudication, inclusive of any costs, exceeds five pounds, or the imprisonment awarded exceeds one month, and the person who is convicted, or against whom the adjudication

(1) *See* s. 43., p. 547, *post*. (2) 27 & 28 Vict. c. 53.
(3) Sub-sections (1.) and (2.) are repealed as to England by 47 & 48 Vict. c. 43. s. 4.

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is made, feel aggrieved by such conviction or adjudication, he may appeal therefrom.

Regulations as to appeal in England.

38. In England * * * * *
The appeal shall be made to the next court of general or quarter sessions.

* * * * * * *

Regulations as to appeal in Scotland.

39. In Scotland, a person authorised to appeal under this Act from a court of summary jurisdiction may appeal therefrom to the next circuit court of justiciary, or, where there are no circuit courts, to the high court of justiciary at Edinburgh, in the manner prescribed by such of the provisions of the Act of the twentieth year of the reign of King George the Second, chapter forty-three, and any Act amending the same, as relate to appeals in matters criminal, and by and under the rules, limitations, conditions, and restrictions contained in the said provisions.

Exclusion of certiorari.

40. No order or conviction made in any matter arising under this Act, either originally or on appeal, shall be quashed for want of form, and no order or conviction made by a court of summary jurisdiction against which a person is authorised by this Act to appeal shall be removed by certiorari or otherwise, either at the instance of the Crown or of any private party into any superior court. [Moreover, no warrant of commitment shall be held void by reason of any defect therein, provided that there is a valid conviction to maintain such warrant, and it is alleged in the warrant that the person named therein has been convicted.](1)

Application of certain penalties.

41. Any pecuniary penalty recovered summarily under this Act on the prosecution of the commanding officer of a naval artillery volunteer corps or brigade shall (notwithstanding anything in any Act relating to municipal corporations or to the metropolitan police district or in any other Act) be paid to the commanding officer, and be applied as part of the general fund of the corps or brigade.

Appearance of commanding officer by officer of permanent staff, &c.

42. The commanding officer of any naval artillery volunteer corps or brigade may appear in any county court or before any court of summary jurisdiction by any officer or petty officer of the permanent staff of such corps or brigade, or by any officer or member of the corps or brigade authorised in writing under the hand of such commanding officer.

Definitions.

43. In this Act—
The term "Admiralty" means the lord high admiral, or the commissioners for executing the office of lord high admiral for the time being, or any two of them:
The term "commanding officer of a corps" means the officer, petty officer, or other member of the corps (exclusive of the permanent staff thereof) who holds the highest rank in such corps:

(1) The words in brackets are repealed as to England by 47 & 48 Vict. c. 43. s. 4.

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The term "volunteer" means a petty officer or gunner belonging to a naval artillery volunteer corps, exclusive of the permanent staff thereof:

The term "person" includes (where the case requires) a body of persons corporate or unincorporate:

The term "Summary Jurisdiction Acts" means, as to England, the Act of the session of the eleventh and twelfth years of the reign of her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties "of justices of the peace out of sessions within England "and Wales with respect to summary convictions and "orders," and any Acts amending the same, and as to Scotland the Summary Procedure Act, 1864:(1) "Summary Jurisdiction Acts."

The term "sheriff" includes in Scotland sheriff substitute:

The term "court of summary jurisdiction" means,— "Court of summary jurisdiction."

In England, any justice or justices of the peace, metropolitan police magistrate, stipendiary or other magistrate, or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to;

In Scotland, any sheriff;

In the Isle of Man, the court, justices, or magistrates who exercise jurisdiction in the like cases to those in which the Summary Jurisdiction Acts are applicable:

The term "appointments" includes accoutrements and equipments of every kind other than clothing.

44. All the provisions of this Act relating to a brigade shall apply to any united body formed of two or more separate naval artillery volunteer corps for naval or administrative purposes by the authority of the Admiralty, whether the corps so united are formed into a brigade or any other body. Application of Act to united corps.

45. This Act shall not extend to Ireland. Extent of Act.

46. This Act may be cited as the Naval Artillery Volunteer Act, 1873. Short title.

SCHEDULE.

Certificate for Exemption from Militia.

I, A.B., commanding officer of the naval artillery volunteer corps, hereby certify that C.D. is a volunteer enrolled in that corps, and is by virtue of the Naval Artillery Volunteer Act, 1873, exempt from liability to serve personally or to provide a substitute in the militia of [England, or as the case may be].

Given under my hand at this day of one thousand eight hundred and [sixty-four].

A.B.,
[Lieutenant-Commanding.]

(1) 27 & 28 Vict. c. 53.

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36 & 37 Victoria.—A.D. 1873.

CAP. LXXXV.

An Act to amend the Merchant Shipping Acts.

[5th August 1873.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title.

1. This Act may be cited as the Merchant Shipping Act, 1873.

Construction of Act.

2. This Act shall be construed as one with the Merchant Shipping Act, 1854, and the Acts amending the same, and the said Acts and this Act may be cited collectively as the Merchant Shipping Acts, 1854 to 1873.

Registry (Part II.(1) of Merchant Shipping Act, 1854).

Particulars to be marked on British ships.

3. Every British ship registered after the passing of this Act shall before registry, and every British ship registered before the passing of this Act shall, on or before the first day of January one thousand eight hundred and seventy-four, be permanently and conspicuously marked to the satisfaction of the Board of Trade, as follows:

Her name shall be marked on each of her bows, and her name and the name of her port of registry shall be marked on her stern, on a dark ground in white or yellow letters, or on a light ground in black letters, such letters to be of a length not less than four inches, and of proportionate breadth:

Her official number and the number denoting her registered tonnage shall be cut in on her main beam:

A scale of feet denoting her draught of water shall be marked on each side of her stem and of her stern post in Roman capital letters or in figures, not less than six inches in length, the lower line of such letters or figures to coincide with the draught line denoted thereby. Such letters or figures shall be marked by being cut in and painted white or yellow on a dark ground, or in such other way as the Board of Trade may from time to time approve.

The Board of Trade may, however, exempt any class of ships from the requirements of this section or any of them.

If the scale of feet showing the ship's draught of water is in any respect inaccurate, so as to be likely to mislead, the owner of the ship shall incur a penalty not exceeding one hundred pounds.

(1) As to Part II., *see* p. 165.

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The marks required by this section shall be permanently continued, and no alteration shall be made therein, except in the event of any of the particulars thereby denoted being altered in the manner provided by the Merchant Shipping Acts, 1854 to 1873.

Any owner or master of a British ship who neglects to cause his ship to be marked as aforesaid, or to keep her so marked, and any person who conceals, removes, alters, defaces, or obliterates, or suffers any person under his control to conceal, remove, alter, deface, or obliterate any of the said marks, except in the event aforesaid, or except for the purpose of escaping capture by an enemy, shall for each offence incur a penalty not exceeding one hundred pounds, and any officer of customs on receipt of a certificate from a surveyor or inspector of the Board of Trade that a ship is insufficiently or inaccurately marked may detain the same until the insufficiency or inaccuracy has been remedied.

Provided that no fishing vessel duly registered, lettered, and numbered in pursuance of the Sea Fisheries Act, 1868,(1) shall be required to have her name and port of registry marked under this section.

Provided also, that if any registered British ship is not within a port of the United Kingdom at any time before the first day of January one thousand eight hundred and seventy-four, she shall be marked as by this section required within one month after her next return to a British port of registry subsequent to that date.

Masters and Seamen (Part III. of Merchant Shipping Act, 1854).

Agreements with seamen.

7.(2) Any agreement with a seaman made under section one hundred and forty-nine of the Merchant Shipping Act, 1854, may, instead of stating the nature and duration of the intended voyage or engagement as by that section required, state the maximum period of the voyage or engagement, and the places or parts of the world (if any) to which the voyage or engagement is not to extend.

Safety and Prevention of Accidents (Part IV. of Merchant Shipping Act, 1854).

Duties of masters in case of collision.

16. In every case of collision between two vessels it shall be the duty of the master or person in charge of each vessel, if and so far as he can do so without danger to his own vessel, crew, and passengers (if any), to stay by the other vessel until he has ascertained that she has no need of further assistance, and to render to the other vessel, her master, crew, and passengers (if any), such assistance as may be practicable and as may be necessary in order to save them from any danger caused by the collision; and also to give to the master or person in charge of

(1) 31 & 32 Vict. c. 45. s. 22., p. 442, *ante*.
(2) This section is referred to, 38 & 39 Vict. c. 51. s. 2., p. 590, *post*.

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the other vessel the name of his own vessel, and of her port of registry, or of the port or place to which she belongs, and also the names of the ports and places from which and to which she is bound.

If he fails so to do, and no reasonable cause for such failure is shown, the collision shall, in the absence of proof to the contrary, be deemed to have been caused by his wrongful act, neglect, or default.

Every master or person in charge of a British vessel who fails, without reasonable cause, to render such assistance or give such information as aforesaid shall be deemed guilty of a misdemeanour, and if he is a certificated officer an inquiry into his conduct may be held and his certificate may be cancelled or suspended.

Liability for infringement of regulations in cases of collision.

17.(1) If in any case of collision it is proved to the court before which the case is tried that any of the regulations for preventing collision contained in or made under the Merchant Shipping Acts, 1854 to 1873,(2) has been infringed, the ship by which such regulation has been infringed shall be deemed to be in fault, unless it is shown to the satisfaction of the court that the circumstances of the case made departure from the regulation necessary.

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36 & 37 Victoria.—A.D. 1873.

CAP. LXXXVIII.

An Act for consolidating with Amendments the Acts for carrying into effect Treaties for the more effectual Suppression of the Slave Trade, and for other purposes connected with the Slave Trade.

[5th August 1873.]

WHEREAS divers treaties for the more effectual suppression of the slave trade have been made by or on behalf of her Majesty and her royal predecessors with foreign states, and the Acts mentioned in the second schedule to this Act have been passed for carrying into effect the said treaties or some of them:

And whereas it is expedient to consolidate the said Acts into one Act, and to make provision for carrying into effect the said treaties, and any treaty which may hereafter be made by or on behalf of her Majesty with any foreign state for the more effectual suppression of the slave trade:

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and

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(1) Section 17 is apparently applied by the Submarine Telegraph Act, 1885 (48 & 49 Vict. c. 49.), s. 5., *post*.

(2) *See* 25 & 26 Vict. c. 63. s. 25., p. 320, *ante*, and compare 37 & 38 Vict. c. 52., p. 562, *post*.

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temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as the Slave Trade Act, 1873. Short title.

2. In this Act— Interpretation.

The term "the Treasury" means the commissioners of her Majesty's Treasury:

The term "the Admiralty" means the lord high admiral of the United Kingdom, or the commissioners for executing the office of lord high admiral:

The term "vessel" means any vessel used in navigation:

The term "British possession" means any plantation, territory, settlement, or place situate within her Majesty's dominions, and not forming part of the United Kingdom:

The term "governor" includes the officer for the time being administering the government of any colony; and where there is a local governor or lieutenant-governor under a governor-general, means the local governor or lieutenant-governor:

The term "the Slave Trade Act, 1824," means the Act of the session of the fifth year of the reign of King George the Fourth, chapter one hundred and thirteen, intituled "An "Act to amend and consolidate the laws relating to the "abolition of the slave trade:"(1)

The term "foreign state" includes any foreign nation, people, tribe, sovereign, prince, chief, or headman:

The term "vessel of a foreign state" means a vessel which is justly entitled to claim the protection of the flag of a foreign state, or which would be so entitled if she did not lose such protection by being engaged in the slave trade:

The term "treaty" includes any convention, agreement, engagement, or arrangement:

The term "slave trade" when used in relation to any particular treaty does not include anything declared by such treaty not to be comprised in the term or in such treaty:

The term "vice-admiralty court" does not include any vice-admiralty court which for the time being has under its commission a limited jurisdiction only in matters relating to the slave trade:

The term "British slave court"(2) means the High Court of Admiralty of England, every vice-admiralty court in her Majesty's dominions out of the United Kingdom, and every East African court for the time being within the meaning of the Slave Trade (East African Courts) Act, 1873:

(1) *See* 5 Geo. 4. c. 113., p. 42, *ante*.

(2) *See* Slave Trade (East African Courts) Act, 1873 (36 & 37 Vict. c. 59.), s. 2., p. 529, *ante*, and the Slave Trade (East African Courts) Act, 1879 (42 & 43 Vict. c. 38.), s. 2., *post*

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The term "slave court" means every British slave court, every mixed commission or court established under any existing slave trade treaty, and the court of any foreign state having jurisdiction to try and condemn a vessel engaged in the slave trade:

The term "existing slave trade treaty" means a treaty made by or on behalf of her Majesty or her royal predecessors with any foreign state for the more effectual suppression of the slave trade and in force at the passing of this Act.

Seizure of Slave Ships.

Visitation and seizure by cruisers, &c. of suspected slave ships.

3. Where a vessel is, on reasonable grounds, suspected of being engaged in or fitted out for the slave trade, it shall (subject, in the case either of the vessel of a foreign state, or of the commander or officer of a cruiser of a foreign state, to the limitations, restrictions, and regulations, if any, applicable thereto contained in any existing slave trade treaty made with such state) be lawful—

(*a.*) If the vessel is a British vessel, or is engaged in the slave trade within British jurisdiction, or is not a vessel of a foreign state, for any commander or officer of any of her Majesty's ships, for any officer bearing her Majesty's commission in the army or navy, for any officer of her Majesty's customs in the United Kingdom, Channel Islands, or Isle of Man, for the governor of a British possession, or any person authorised by any such governor, and for any commander or officer of any cruizer of a foreign state authorised in pursuance of any existing slave trade treaty; and

(*b.*) If the vessel is the vessel of a foreign state, for any commander or officer of any of her Majesty's ships, when duly authorised in that behalf, in pursuance of any treaty with that state, and for any commander or officer of any cruiser of that foreign state,

to visit and seize and detain such vessel, and to seize and detain any person found detained or reasonably suspected of having been detained as a slave, for the purpose of the slave trade, on board any such vessel, and to carry away such vessel and person, together with the master and all persons, goods, and effects on board any such vessel, for the purpose of bringing in such vessel, person, goods, and effects for adjudication.

All vessels, slaves, persons, goods, and effects which may be forfeited under the enactments with which this Act is to be construed as one, as herein-after mentioned,(1) may be visited, seized, and detained by any commander, officer, governor, or person authorised by this section to seize a British vessel.

Vessels equipped for traffic in slaves

4. Where any of the particulars mentioned in the first schedule to this Act are found in the equipment or on board of any vessel

(1) For the enactments with which this Act is to be construed as one, *see* s. 24, p. 559, *post*.

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visited, seized, or detained in pursuance of this Act, such vessel shall, unless the contrary be proved, be deemed to be fitted out for the purposes of and engaged in the slave trade, and in such case, even though the vessel is restored, no damages shall be awarded against the seizor under this Act in respect of such visitation, seizure, or detention, or otherwise upon such restoration. to be deemed engaged in the slave trade.

Provided that this section shall not extend to the vessel of any foreign state except so far as may be consistent with the treaty made with such state.

Courts.

5. The High Court of Admiralty of England and every vice-admiralty court (1) in her Majesty's dominions out of the United Kingdom shall have jurisdiction to try and condemn or restore any vessel, slave, goods, and effects, alleged to be seized, detained, or forfeited, in pursuance of this Act, and on restoring the same to award such damages in respect of the visitation, seizure, and detention of such vessel, goods, and effects, and of any person on board such vessel, and in respect of any act or thing done in relation to such visitation, seizure, or detention, or in respect of any of such matters, and in any case to make such order as to costs as, subject to the provisions of this Act and of any existing slave trade treaty, the court may think just. Jurisdiction of courts in regard to slave vessels, slaves, goods, and effects.

Provided that nothing in this section shall give to any court any jurisdiction inconsistent with any existing slave trade treaty over a vessel which is shown to such court to be the vessel of any foreign state and which has not been engaged within British jurisdiction in the slave trade, but where any vessel of a foreign state is liable to be condemned by a British slave court, such court shall have the same jurisdiction as if she were a British vessel.

Each of the said courts shall have the same jurisdiction in regard to any person who has been seized, either at sea or on land, on the ground that he has or is suspected to have been detained as a slave, for the purpose of the slave trade, as the court would have under this section if he had been so detained on board a vessel that was seized and brought in for adjudication.

6. Where any vessel or slave seized by the commander or officer of the cruiser of any foreign state is brought in for adjudication in a British slave court, all proceedings for the condemnation of such vessel and slave, and the goods and effects on board such vessel, shall be taken in the name of her Majesty by some person duly authorised in that behalf. Proceedings upon seizure by a foreigner.

Mixed Courts.

7. Where any existing slave trade treaty contains provisions for the time being in force for the appointment of any mixed court or commission for deciding cases under such treaty, it shall Appointment of judges, arbitrators, secretary, &c., to

(1) *See* 36 & 37 Vict. c. 59. s. 3., p. 530, *ante*.

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mixed courts and commissions.

be lawful for her Majesty from time to time to appoint such commissioners, judges, arbitrators, secretary, registrar, and other officers as are mentioned in such provisions.

There shall be paid to every commissioner, judge, arbitrator, secretary, registrar, and other officer so appointed, such salary as the Treasury may from time to time direct.

In case of the death, or sickness, or absence either on leave or from any other lawful impediment, of any such commissioner, judge, arbitrator, secretary, registrar, or other officer, whether British or not, the vacancy shall be temporarily filled in manner provided by the treaty.

Regulations as to powers of mixed courts.

8. The regulations contained in any existing slave trade treaty for the time being in force, with respect to any mixed court or commission, shall have effect as if they were enacted in this Act, and such court or commission shall have all necessary jurisdiction for the purpose of carrying into effect any treaty referring to them, and in particular shall have jurisdiction to try, condemn, and restore British vessels seized in pursuance of such treaty on suspicion of being engaged in the slave trade, and shall, for the purpose of their jurisdiction, have the same power as any vice-admiralty court in her Majesty's dominions has, and may accordingly take evidence, administer oaths, summon and enforce the attendance of witnesses, and require and enforce the production of documents in like manner as any such court.

Disposal of Vessels and Slaves.

Disposal of condemned vessels.

9. A vessel seized in pursuance of this Act, when condemned by a slave court, may be taken into her Majesty's service upon payment of such sum as the Admiralty deem to be a proper price for the same (which sum is in this Act called the appraised value of such vessel), or, if not so taken, shall be broken up, and the materials thereof shall be publicly sold in separate parts.

Provided that nothing herein shall prejudice the right of the government of any foreign state, under any treaty, to require such vessel to be broken up, or to take such vessel into its service upon payment of a sum fixed in accordance with such treaty, and any sum paid by the government of a foreign state for a vessel taken into its service after condemnation by a slave court shall be deemed for the purposes of this Act to be the appraised value of the vessel.

Disposal of slaves.

10. Where any slaves are seized in pursuance of this Act, they shall, for the purpose only of seizure, prosecution, and condemnation, be deemed to be property, and shall be condemned as forfeited to the sole use of her Majesty for the purpose only of divesting all other right or interest therein, and shall not be treated as slaves, but shall be provided for, pending the proceedings for their condemnation, in such manner, and shall on condemnation be disposed of in such manner, or delivered over to such persons, as the court having cognizance of the case may

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adjudge, subject to the regulations (if any) which are from time to time made by the Treasury; and the Treasury may from time to time make, alter, and revoke regulations for this purpose so that they be consistent with any provisions in this behalf contained in any existing slave trade treaty.

Bounties.

Bounty and other payments to seizors when British cruisers.

11. Where a vessel (whether British or not) or slave, goods or effects, seized in pursuance of this Act by any commander or officer of any of her Majesty's ships have been condemned by a slave court, there shall be paid to the commander, officers, and crew of such ship the following sums:

(1.) A slave bounty of five pounds for every slave so condemned who is delivered over, or, if the commander of the ship so elect, a tonnage bounty of four pounds for every ton of the tonnage of the vessel condemned:

(2.) That part to which her Majesty is entitled of the appraised value of the vessel condemned, or, if such vessel was broken up and the materials thereof publicly sold in separate parts, of the net proceeds of such sale after deducting the charges of prosecution:

(3.) Where the condemned vessel

(*a.*) was brought into port and was broken up in pursuance of the order of the slave court, and the materials thereof publicly sold in separate parts; or

(*b.*) was abandoned or destroyed prior to condemnation, and the slave court by the decree of condemnation declared that, after full consideration by the court of the circumstances of the case, the seizors had satisfied the court that such abandonment or destruction was inevitable, or otherwise under the circumstances proper and justifiable,

a further tonnage bounty at the rate of thirty shillings for every ton of the tonnage of the vessel; and

(4.) The net proceeds to which her Majesty is entitled (after deducting the charges of prosecution) of any such goods and effects which the slave court ordered to be sold.

Where any slave so condemned is not delivered over in consequence of death, sickness, or other inevitable circumstances, the Treasury may, if they think fit, pay to the seizors of such slave one moiety of the slave bounty which would have been due in respect of such slave if he had been delivered over.

Bounty and other payments where vessel, slave,

12. Where any vessel, slave, goods, or effects seized in pursuance of this Act otherwise than by the commander or officer of one of her Majesty's ships, or of the cruiser of a foreign state,

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or goods not seized by cruisers.

have been condemned by a slave court, there shall be paid the following sums:—

(1.) Two thirds of the appraised value of the vessel or (if the vessel was broken up and the materials thereof publicly sold in separate parts) of the net proceeds of such sale, and two thirds of the net proceeds of such goods and effects (after deducting from such appraised value or net proceeds the charges of prosecution) for the use of her Majesty, to such persons as the Treasury may from time to time appoint, to be carried to the consolidated fund:

(2.) The remaining third part of the said appraised value or net proceeds of the vessel and of the net proceeds of such goods and effects to the person who lawfully seized and prosecuted the ship, goods, and effects respectively to condemnation:

(3.) For every slave so condemned who is delivered over, a slave bounty of five pounds to the person who prosecuted the same to condemnation.

Where any slave so condemned is not delivered over in consequence of death, sickness, or other inevitable circumstances, the Treasury may, if they think fit, pay in respect of such slave one moiety of the slave bounty which would have been due in respect of such slave if he had been delivered over.

Payment of proceeds of vessels, &c. when seized by a foreign cruiser.

13. Where any vessel, goods, or effects have been seized in pursuance of this Act by the commander or officer of a cruiser of any foreign state, and been condemned by a British slave court, such portion of the appraised value of the vessel, or (if the vessel was broken up and the materials thereof publicly sold in separate parts) of the net proceeds of such sale, and of the net proceeds of the goods and effects, as is, under any treaty with such state, payable to the seizors, shall be paid to such person as the Treasury may direct, to be disposed of in accordance with such treaty.

Regulations as to payment of bounty.

14. In order to obtain payment of the bounty, there shall be produced to the Treasury the following evidence, or such other evidence as the Treasury may deem sufficient; namely,

(*a.*) A copy, duly certified, of the decree of condemnation of the vessel or slave:

(*b.*) If any tonnage bounty is claimed, a certificate from some person authorised for the time being to act as a registrar of British ships of the dimensions and tonnage of the vessel:

(*c.*) If a slave bounty is claimed, a certificate from the person appointed to receive the slaves of the number of slaves condemned and delivered over.

For the purpose of bounty the tonnage of a vessel shall be calculated and ascertained in the like manner in which, for the time being, the tonnage of a vessel is calculated and ascertained

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for the purpose of registering the same as a British vessel,(1) or, if the same cannot be satisfactorily ascertained in that manner, shall be ascertained in such manner as the Treasury may consider satisfactory.

Payment by Treasury of costs, damages, and expenses.

15. Where any visitation, seizure, detention, or prosecution purports to have been made or instituted in pursuance of this Act, the Treasury when required under any treaty shall and in any other case may, if they think fit, pay the whole or any part of any costs, expenses, compensation, and damages which may have been awarded against the person making or instituting such visitation, seizure, detention, or prosecution, or any costs and expenses which may have been incurred in respect of the same, or on account of any person on board any vessel so visited, seized, or detained; but nothing in this section shall exempt the commander or officer of the ship or other person by whom the visitation, seizure, detention, or prosecution was made or instituted from his liability to make good any sum so paid when required by the Treasury so to do, and when any such commander or officer, or other person serving under the Admiralty, or any person serving under any other department of the government, is so required to make good any sum, that sum shall, if the Treasury so direct, be deducted by the Admiralty or other department of the government, under whom such person is serving, from any payment to which such commander, officer, or person is entitled on account of salary, pay, prize, or bounty.

Payment and distribution of bounties and other sums.

16. The bounties and all other sums payable by the Treasury in pursuance of this Act shall be paid out of moneys provided by Parliament for the purpose.

The provisions of "The Naval Agency and Distribution Act, 1864,"(2) shall apply to all money payable to the commanders, officers, and crews of her Majesty's ships in pursuance of this Act.

27 & 28 Vict. c. 24.

Miscellaneous.

Protection of persons authorised to seize.

17. All persons authorised to make seizures under this Act shall, in making and prosecuting any such seizure, have the benefit of all the protection granted to persons authorised to make seizures under any Act for the time being in force relating to her Majesty's customs in the United Kingdom, in like manner as if the enactments granting such protection were herein enacted, and in terms made applicable thereto.

Pendency of suit or decree a bar to proceeding for recovery of vessel, damages, &c.

18. In either of the following cases, namely,

(*a.*) Where any proceeding has been instituted in any slave court for the condemnation or restitution of any vessel, slave, goods, or effects purporting to have been seized in pursuance of this Act and is still pending; or

(1) *See* 17 & 18 Vict. c. 104. ss. 20.–24. and 26.–29., pp. 166, 172, *ante*.

(2) 27 & 28 Vict. c. 24., p. 340, *ante*; and *see* s. 12. of that Act, p. 342, *ante*, as to the duties of a ship's agent in case of any seizure or capture under any Act relating to the abolition of the Slave Trade.

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(*b.*) Where any vessel, slave, goods, or effects purporting to have been seized in pursuance of this Act, have been condemned or restored, or any other final judgment has been pronounced thereon by any slave court,

the pendency of such proceeding, or the condemnation or restitution, or other final judgment thereon, as the case may be, shall be a complete bar to every legal proceeding whatever for the recovery of such vessel, slave, goods, or effects, or of damages for any costs, expenses, loss, or injury sustained by any person by or in consequence of the visitation, seizure, or detention of such vessel, slave, goods, or effects, or of any person on board such vessel, or by or in consequence of any act or thing done in relation to such visitation, seizure, or detention, or in pursuance of this Act or any existing slave trade treaty, and may be pleaded in bar, or given in evidence under the general issue.

Power of High Court of Admiralty of England as to bounties, reviewing and enforcing decrees, &c.

19. The High Court of Admiralty of England shall have jurisdiction to hear and determine any question arising with respect to the right of any person to any payment in pursuance of this Act in respect of any condemned vessel, slave, goods, or effects, and any question of joint capture or seizure which may arise in respect of any vessel, slave, goods, or effects seized in pursuance of this Act, and also as well to review as to enforce any decree, declaration, or order of any British slave court made in pursuance of this Act.

Review of taxation by registrar of Court of Admiralty.

20. The registrar of the High Court of Admiralty of England may, on the application of any person aggrieved, or of the Treasury, tax or review the taxation of any costs, charges, or expenses incurred or alleged to be incurred in any proceeding taken in any British slave court, or in any mixed commission or court in her Majesty's dominions, and shall for this purpose have the same jurisdiction and powers as he has in the taxation of any costs, charges, or expenses incurred in any proceeding in the High Court of Admiralty.

Appeal by Treasury.

21. The Treasury may appeal from any decree, order, or declaration which is made by any British slave court in pursuance of this Act and involves the payment by the Treasury of any bounty, costs, expenses, compensation, damages, or other moneys in like manner as if they were parties to the proceeding in which such decree, order, or declaration was made.

Prosecution for false evidence.

22. Any person who wilfully gives false evidence in any proceeding taken in pursuance of this Act in any slave court shall be guilty of an offence against this Act, and shall be liable to the like penalty as if he had been guilty of perjury, or in a British possession, of the offence, by whatever name called, which if committed in England would be perjury.

Returns by registrars.

23. The registrar of every British slave court, and if appointed by her Majesty, of every other slave court, shall from time to time make returns of the cases adjudged in such court in pur-

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suance of this Act, at such times and in such form and containing such particulars as may be from time to time directed by any rule established with respect to such court under the Vice-Admiralty Courts Act, 1863,(1) or if there is no such rule by order in council.

Slave Trade Act, 1824.(2)

Incorporation with unrepealed portions of 5 Geo. 4. c. 113.

24. This Act shall be construed as one with the enactments of the Slave Trade Act, 1824, and any enactments amending the same, so far as they are in force at the time of the passing of this Act,(3) and are not repealed by this Act; and the expression "this Act," when used in this Act, shall include those enactments.

Recovery of forfeitures under 5 Geo. 4. c. 113.

25. All pecuniary forfeitures and penalties imposed by the said enactments, with which this Act is to be construed as one, may be sued for, prosecuted, and recovered in any court of record or of vice-admiralty in any part of her Majesty's dominions wherein the offence was committed, or where the offender may be, in like manner as any penalty or forfeiture incurred in the United Kingdom under any Act for the time being in force relating to her Majesty's customs,(4) or (in the case of the High Court of Admiralty or of a court of vice-admiralty) in like manner as any vessel seized in pursuance of this Act.

Such pecuniary penalties and forfeitures shall, subject to the express provisions of the said enactments, be paid and applied in like manner as the net proceeds of a vessel seized otherwise than by the commander or officer of one of her Majesty's ships, or of the cruiser of a foreign state.

Jurisdiction of court over offences under 5 Geo. 4. c. 113.

26. Any offence against this Act or the said enactments with which this Act is to be construed as one, or otherwise in connexion with the slave trade, shall for all purposes of and incidental to the trial and punishment of a person guilty of such offence, and all proceedings and matters preliminary and incidental to and consequential on such trial and punishment, and for all purposes of and incidental to the jurisdiction of any court, constable, and officer with reference to such offence, be deemed to have been committed either in the place in which the offence was committed, or in the county of Middlesex, or in any place in which the person guilty of the offence may for the time being be, either in her Majesty's dominions, or in any foreign port or place in which her Majesty has jurisdiction; and the offence may be described in any indictment or other document relating thereto as having been committed at the place where it was wholly or partly committed, or as having been committed on

(1) *See* 26 & 27 Vict. c. 24., p. 330, *ante*.
(2) 5 Geo. 4. c. 113., p. 42, *ante*.
(3) *See*, for enactments in force, the unrepealed parts of the Slave Trade Act, 1824, 5 Geo. 4. c. 113., p. 42, *ante*, and 6 & 7 Vict. c. 98., p. 111, *ante*; and *see* further, as to the punishment of offences under 5 Geo. 4. c. 113. s. 9., note (1), p. 46, *ante*.
(4) *See* 39 & 40 Vict. c. 36. ss. 218.–274.

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the high seas or out of her Majesty's dominions, and the venue or local description in the margin may be that of the place in which the trial is held.

Where any such offence is commenced at one place and completed at another, the place at which such offence is to be deemed to have been committed shall be either the place where the offence was commenced or the place where the offence was completed.

Where a person being in one place is accessory to or aids or abets in any such offence committed in another place, the place at which such offence is to be deemed to have been committed shall be either the place in which the offence was actually committed or the place where the offender was at the time of his being so accessory, aiding, or abetting.

Where it appears to any court or the judge of any court having jurisdiction to try any such offence that the removal of an offender charged with such offence to some other place in her Majesty's dominions for trial would be conducive to the interests of justice, such court or judge may by warrant, or instrument in the nature of a warrant, direct such removal, and such offender may be removed and tried accordingly; and section two hundred and sixty-eight of the Merchant Shipping Act, 1854, shall apply to the removal of an offender under this section in the same manner as if the term "consular officer"(1) in that section included the court or judge making such warrant or instrument.

17 & 18 Vict. c. 104.

Extension of 33 & 34 Vict. c. 52. to slave trade offences.

27. Offences committed against this Act or the enactments with which this Act is to be construed as one or otherwise in connexion with the slave trade, whether committed on the high seas or on land, or partly on the high seas or partly on land, shall be deemed to be inserted in the first schedule(2) to the Extradition Act, 1870, and that Act, and any Act amending the same, shall be construed accordingly.

Application of Act.

Application of Act to cases already adjudicated.

28. This Act shall apply to all cases of vessels, slaves, goods, and effects seized and adjudicated upon by any slave court, whether before or after the passing of this Act.

Extension of Act to future treaties.

29. Where any treaty in relation to the slave trade is made after the passing of this Act, by or on behalf of her Majesty, with any foreign state, her Majesty may by order in council direct that as from such date, not being earlier than the date of the treaty, as may be specified in the order, such treaty shall be deemed, and thereupon (as from the said date, or if no date is specified as from the date of such order) such treaty shall be deemed to be an existing slave trade treaty within the meaning of this Act, and all the provisions of this Act shall apply and be construed accordingly.

(1) *See* 17 & 18 Vict. c. 104. s. 268., p. 211, *ante*.
(2) *See* 33 & 34 Vict. c. 52.

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Her Majesty may, by the same or any subsequent order referring to the same treaty, render the application of this Act subject to such conditions, exceptions, and qualifications as may be deemed expedient.

Every such order shall recite or embody the terms of the treaty so far as they relate to the slave trade, and shall be laid before both Houses of Parliament within six weeks after it is made, or, if Parliament be not then sitting, within six weeks after the then next meeting of Parliament, and shall also be published in the London Gazette.

A treaty, whether made before or after the passing of this Act, which ceases to be in force shall cease to be an existing slave trade treaty within the meaning of this Act.

Repeal.

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FIRST SCHEDULE.

EQUIPMENTS WHICH ARE PRIMÂ FACIE EVIDENCE OF A VESSEL BEING ENGAGED IN THE SLAVE TRADE.

First.—Hatches with open gratings, instead of the close hatches which are usual in merchant vessels.

Secondly.—Divisions or bulkheads in the hold or on deck more numerous than are necessary for vessels engaged in lawful trade.

Thirdly.—Spare plank fitted for being laid down as a second or slave deck.

Fourthly.—Shackles, bolts, or handcuffs.

Fifthly.—A larger quantity of water in casks or in tanks than is requisite for the consumption of the crew of the vessel as a merchant vessel.

Sixthly.—An extraordinary number of water casks or of other vessels for holding liquid, unless the master shall produce a certificate from the custom house at the place from which he cleared outwards, stating that a sufficient security had been given by the owners of such vessel that such extra quantity of casks or of other vessels should only be used for the reception of palm oil, or for other purposes of lawful commerce.

Seventhly.—A greater quantity of mess tubs or kids than are requisite for the use of the crew of the vessel as a merchant vessel.

Eighthly.—A boiler or other cooking apparatus of an unusual size, and larger or fitted for being or capable of being made larger than requisite for the use of the crew of the vessel as a merchant vessel, or more than one boiler or other cooking apparatus of the ordinary size.

Ninthly.—An extraordinary quantity either of rice or of the flour of Brazil, manioc, or cassada, commonly called farinha, of maize or of Indian corn, or of any other article of food whatever, beyond what might probably be requisite for the use of the crew, such rice, flour, maize, Indian corn, or other article of food not being entered on the manifest as part of the cargo for trade.

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Tenthly.—A quantity of mats or matting larger than is necessary for the use of the crew of the vessel as a merchant vessel.

Eleventhly.—Any other equipment, article, or thing, which is declared by any existing slave trade treaty to be primâ facie evidence of a vessel being engaged in the slave trade.

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37 & 38 Victoria.—A.D. 1874.

CAP. LII.

An Act to make regulations for preventing Collisions in the Sea Channels leading to the River Mersey.

[30th July 1874.]

WHEREAS it is expedient to make special regulations for preventing collisions between vessels in the sea channels leading to the river Mersey:

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Special regulations for preventing collisions in the approaches to the river Mersey.

1. Any general regulations for preventing collisions at sea for the time being in force under the provisions of the Merchant Shipping Acts(1) shall be construed as if the following regulations were added thereto; that is to say,

(1.) Every steam-ship, and every vessel in tow of any steam-ship, when navigating in the sea channels or approaches to the river Mersey, between the Rock Lighthouse and the furthest point seawards to which such sea channels or approaches respectively are for the time being buoyed on both sides, shall, whenever it is safe and practicable, keep to that side of the fairway or mid-channel which lies on the starboard side of such steam-ship or vessel in tow:

(2.) Every ship at anchor in the said sea channels or approaches, within the limits aforesaid, shall carry the single white light prescribed by Article 7 of the general regulations for preventing collisions at sea, made under the authority of the "Merchant Shipping Acts Amendment Act, 1862," at a height not exceeding twenty feet above the hull, suspended from the fore-stay, or otherwise near the bow of the ship where it

(1) *See* 25 & 26 Vict. c. 63. s. 25., p. 320, *ante*.

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can be best seen; and, in addition to the said light, all ships having two or more masts shall exhibit another similar white light, at double the height of the bow light, at the main or mizzen-peak, or the boom topping lift, or other position near the stern where it can be best seen.

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37 & 38 Victoria.—A.D. 1874.

CAP. LXXXVIII.

An Act to amend the Law relating to the Registration of Births and Deaths in England, and to consolidate the Law respecting the Registration of Births and Deaths at Sea. [7th August 1874.]

WHEREAS it is expedient to amend the Acts relating to the registration of births and deaths in England, and to consolidate the law respecting the registration of births and deaths at sea:

Be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Registration of Births and Deaths at Sea.

Registration of births and deaths at sea.

37. The provisions of this Act, save as is herein expressly provided, shall not apply to the registration of births and deaths on board a vessel at sea, with respect to which the following provisions shall have effect:

(1.) The captain or master of or other person having the command or charge of a British ship shall, as soon as may be after the occurrence of the birth of a child or the death of a person on board such ship, record in his log book or otherwise the fact of such birth or death, and the particulars required by the fourth schedule to this Act to be registered concerning such birth or death, or such of them as may be known to him, and shall, (unless the ship is one of her Majesty's ships,) upon the arrival of such ship at any port of the United Kingdom, or at such other time or place as the Board of Trade may from time to time with respect to any ship or class of ships direct, deliver or send, in such form and manner as the Board of Trade may from time to time direct, a return of the facts so recorded to the registrar general of shipping and seamen.

(2.) Where a ship which is not a British ship carries passengers to or from any port of the United Kingdom

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as the port of destination or the port of departure of such ship, the provisions of this section shall apply to the captain or master of or other person having the command or charge of such ship, in like manner as if it were a British ship.

(3.) Where the said return is directed by the Board of Trade (whether the ship is British or foreign) to be delivered upon the arrival of the ship, or the discharge of the crew, or otherwise, at any port or place out of the United Kingdom, the Board of Trade may, if they think fit, direct that the return instead of being delivered to the registrar general of shipping and seamen shall be delivered, and the same shall accordingly be delivered, if such port or place is within her Majesty's dominions, to the shipping master or collector of customs at such port or place, and if it is a foreign port or place, to the principal British consular officer at the said foreign port or place, and such shipping master, collector, or officer shall send the same, as soon as may be, by post or otherwise, to the registrar general of shipping and seamen.

(4.) Where it appears from any such return that the father of any child so born, or if the child is a bastard the mother of such child, was a Scotch or Irish subject of her Majesty, or that any person whose death is mentioned in such return was a Scotch or Irish subject of her Majesty, the registrar general of shipping and seamen shall from time to time send a certified copy of so much of the return as relates to such birth or death to the registrar general of births and deaths in Scotland or Ireland, as the case may require.

(5.) The registrar general of shipping and seamen shall from time to time send to the registrar general of births and deaths in England a certified copy of every other such return, or of that part of every such return which is not so sent to the registrar general of births and deaths in Scotland or Ireland.

(6.) A captain of or other person having charge of one of her Majesty's ships shall, upon the arrival of any such ship in any port of the United Kingdom, or at such other time as the commissioners of the Admiralty may from time to time direct, deliver or send, in such manner and form as the said commissioners may from time to time direct, a return of the facts recorded in pursuance of this section to that registrar general of births and deaths to whom a copy of such return would, if the ship were a merchant ship, be sent under the provisions of this section by the registrar general of shipping and seamen.

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(7.) Every registrar general of births and deaths to whom a copy of any return or a return is sent in pursuance of this section shall cause the same to be filed and preserved in or copied in a book to be kept by him for the purpose, and to be called a marine register book, and such book shall be deemed to be a certified copy of a register book within the meaning of the Acts relating to the registration of births and deaths in England, Scotland, and Ireland respectively.

(8.) Every captain or master of or other person having charge of a ship who fails to comply with this section shall be liable to a penalty not exceeding five pounds for each offence; and such penalty may be recovered in the same courts and places and in the like manner, and when recovered shall be applied in like manner, as a penalty under the Merchant Shipping Act, 1854.

(9.) This section shall extend to all places and persons within British jurisdiction.

(10.) Terms in this section shall have the same meaning as in the Merchant Shipping Act, 1854.(1)

53. This Act may be cited as the "Births and Deaths Registration Act, 1874." Short title.

SCHEDULES.

FOURTH SCHEDULE.

Particulars to be registered by Captain of a Ship concerning a Birth at Sea.

Date of birth.
Name (if any) and sex of the child.
Name and surname, and rank, profession, or occupation of the father.
Name and surname, and maiden surname of mother.
Nationality and last place of abode of the father and mother.

Particulars to be registered by Captain of a Ship concerning a Death at Sea.

Date of death.
Name and surname.
Sex.
Age.
Rank, profession, or occupation.
Nationality and last place of abode.
Cause of death.

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(1) *See* 17 & 18 Vict. c. 104. s. 2., p. 161, *ante*.

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37 & 38 Victoria.—A.D. 1874.

CAP. XCII.

An Act to provide for the Transfer to the Admiralty and the Secretary of State for the War Department of Alderney Harbour and certain Lands near it.(1)

[7th August 1874.]

28 & 29 Vict. c. 100.

WHEREAS by an order in council of the sixteenth day of February one thousand eight hundred and sixty-six, made in pursuance of the Harbours Transfer Act, 1865, Alderney Harbour was (among other harbours) transferred from the Admiralty to the Board of Trade, together with the breakwaters, piers, jetties, quays, wharves, lighthouses, roads, approaches, works, buildings, and things belonging thereto, and the ground and soil thereof, and the lands and hereditaments acquired for the purposes thereof, and all powers and duties in relation thereto, so far as, at the time of such transfer, the harbour, property, powers, and duties aforesaid were vested in or imposed on the Admiralty, but subject to the conditions and restrictions mentioned in the order:

And whereas certain lands and hereditaments have been from time to time acquired at the public expense for the purposes of Alderney Harbour or otherwise in the neighbourhood of that harbour, and are now vested in her Majesty, the Board of Trade, the Admiralty, or the Treasury, but are not under the management of the commissioners of woods:

And whereas it is expedient to authorise her Majesty to transfer, in manner in this Act mentioned, Alderney Harbour with certain of the said appurtenances and premises, and the said lands and hereditaments, to the Admiralty, and the residue of the said appurtenances, premises, lands, and hereditaments to the secretary of state for the war department:

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to her Majesty by order in council to transfer works and lands at Alderney to the Admiralty, or to secretary of state for the war department.

1. It shall be lawful for her Majesty from time to time by order in council to transfer, as from the time fixed by the order, to the Admiralty, or to the secretary of state for the war department, or partly to the Admiralty and partly to the secretary of state for the war department, according as her Majesty may deem expedient, Alderney Harbour, and the breakwaters, piers, jetties, quays, wharves, lighthouses, roads, approaches, works, buildings, and things belonging thereto, and the ground and soil thereof, and the lands and hereditaments which have been acquired for the purposes thereof, or are otherwise situate in the

(1) *See* the Harbours Transfer Act, 1865, 28 & 29 Vict. c. 100., p. 387, *ante*.

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neighbourhood of the said harbour, and all powers and duties in relation thereto, so far as, at the time of the transfer taking effect, the harbour, property, powers, and duties aforesaid are vested in or imposed on the Board of Trade, or the Admiralty, or the Treasury, or are vested in her Majesty, and are not under the management of the commissioners of woods, but subject to the rights and liabilities affecting the same, and subject to such exceptions, conditions, and restrictions (if any) as to her Majesty in council may seem fit.

Tenure by Admiralty and secretary of state of property transferred.

2. The harbour and property transferred under this Act to the Admiralty or the secretary of state for the war department shall be vested in them respectively for all the estate and interest which at the passing of this Act is vested in her Majesty or in the Board of Trade, or the Admiralty, or the Treasury, and shall (subject to the provisions of the order transferring the same) so vest and be held and used.

(1.) If transferred to the Admiralty upon the trusts mentioned in and subject and according to the provisions of the Admiralty Lands and Works Act, 1864, and the enactments amending that Act, as if the same had been purchased under that Act; and 27 & 28 Vict. c. 57.

(2.) If transferred to the secretary of state for the war department upon the trusts mentioned in and subject and according to the provisions of the Defence Act, 1842, and the enactments amending that Act, as if the same had been vested in him under and by virtue of that Act. 5 & 6 Vict. c. 94.

Publication, &c. of orders in council.

3. Every order in council under this Act shall be published in the London Gazette, and shall be judicially noticed without being specially pleaded.

Every order in council under this Act shall be laid before both Houses of Parliament within thirty days after the making thereof, if Parliament is then sitting, and if not, then within thirty days after the then next meeting of Parliament.

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Definitions.

5. In this Act,—

The term "the secretary of state for the war department" has the same meaning as in the Defence Act, 1842,(1) and the Acts amending the same.(2) 5 & 6 Vict. c. 94.

The term "the Admiralty" means the lord high admiral of the United Kingdom, or the commissioners for executing the office of lord high admiral of the United Kingdom.

The term "the Treasury" means the commissioners of her Majesty's Treasury.

(1) 5 & 6 Vict. c. 94., p. 109, *ante*.

(2) 27 & 28 Vict. c. 89., p. 366, *ante*, The Defence Act, 1860, 23 & 24 Vict. c. 112., and 28 & 29 Vict. c. 65.

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The term "the commissioners of woods" means the commissioners of her Majesty's woods, forests, and land revenues or either of them.

Short title. **6.** This Act may be cited as "The Alderney Harbour (Transfer) Act, 1874."

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38 & 39 Victoria.—A.D. 1875.

CAP. XV.

An Act to amend the Sea Fisheries Act, 1868.

[28th May 1875.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Saving. [**3.**(1) Nothing in the Sea Fisheries Act, 1868, or in the schedule thereto shall be deemed to repeal or alter any of the regulations for preventing collisions at sea, contained in the schedule to the Merchant Shipping Act Amendment Act, 1862, or to take away or diminish the power to annul or modify any of the said regulations, and to make new regulations in addition thereto or in substitution therefor, which by the said last-mentioned Act is given to her Majesty in council.]

Short title. **4.** This Act may be cited as "The Sea Fisheries Act, 1875."

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38 & 39 Victoria.—A.D. 1875.

CAP. XVII.

An Act to amend the Law with respect to manufacturing, keeping, selling, carrying, and importing Gunpowder, Nitro-glycerine, and other Explosive Substances.(2)

[14th June 1875.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title. **1.** This Act may be cited as the Explosives Act, 1875.

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(1) Rep. provisionally 46 & 47 Vict. c. 22. s. 30., *post*.

(2) *See* Harbours Transfer Act, 1862 (25 & 26 Vict. c. 69.), s. 9., p. 326, *ante*, and compare definitions of "local authority," ss. 67., 110., 116., pp. 571, 582, and 583, *post*, with definition of "harbour authority," s. 108., p. 580, *post*, whence it appears that the local authority under this Act may be the Admiralty.

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Substances to which this Act applies.

3. This Act shall apply to gunpowder and other explosives as defined by this section.

The term "explosive" in this Act—

(1.) Means gunpowder, nitro-glycerine, dynamite, gun-cotton, blasting powders, fulminate of mercury or of other metals, coloured fires, and every other substance, whether similar to those above mentioned or not, used or manufactured with a view to produce a practical effect by explosion or a pyrotechnic effect; and

(2.) Includes fog-signals, fireworks, fuzes, rockets, percussion caps, detonators, cartridges, ammunition of all descriptions, and every adaptation or preparation of an explosive as above defined.

Conveyance of Gunpowder.

Byelaws by harbour authority as to conveyance, loading, &c. of gunpowder.

34. Every harbour authority shall, with the sanction of the Board of Trade, make byelaws for regulating the conveyance, loading, and unloading of gunpowder within the jurisdiction of the said authority, and in particular for declaring or regulating all or any of the following matters within the jurisdiction of the said authority; namely,

1. Determining the notice to be given by ships and boats conveying, loading, or unloading gunpowder as merchandise within the said jurisdiction; and
2. Regulating the navigation and place of mooring of such ships and boats; and
3. Regulating, subject to the general rules with respect to packing in this Act contained, the mode of stowing and keeping gunpowder on board any such ship or boat, and of giving notice by brands, labels, or otherwise of the nature of the package containing the gunpowder; and
4. Regulating the description, construction, fitting up, and licensing of the ships, boats, or carriages to be used for the conveyance of gunpowder, and the licensing and dress of the persons having charge thereof; and
5. Prohibiting or subjecting to conditions and restrictions the conveyance of gunpowder with any explosive or any articles or substances, or in passenger ships, boats, trains, or carriages; and
6. Prohibiting in cases where the loading or unloading of gunpowder within the jurisdiction of such authority appears to be specially dangerous to the public such loading or unloading, and fixing the places and times at which the gunpowder is to be loaded or unloaded, and the quantity to be loaded or unloaded or conveyed at one time or in one ship, boat, or carriage; and
7. Regulating the mode of and the precautions to be observed in conveying any gunpowder, and in the loading or unloading any ship, boat, or carriage conveying gun-

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powder as merchandise, and the time during which gunpowder may be kept during such conveyance, loading, or unloading; and

8. Fixing the times at which lights or fires are to be allowed or not allowed on board such ships or boats, as before mentioned, or at which a constable or officer of the harbour authority is to be on board them; and
9. Providing for the publication and supply of copies of the byelaws; and
10. Enforcing the observance of this Act both by their own servants and agents and also by other persons when within the said jurisdiction; and
11. Generally for protecting, whether by means similar to those above mentioned or not, persons and property from danger.

The penalties to be annexed to any breach or attempt to commit any breach of any such byelaws may be all or any of the following penalties, and may be imposed on such persons and graduated in such manner as may be deemed just, according to the gravity of the offence, and according as it may be a first or second or other subsequent offence, that is to say, pecuniary penalties not exceeding twenty pounds for each offence, and ten pounds for each day during which the offence continues, and forfeiture of all or any part of the gunpowder in respect of which, or found in the ship, boat, or carriage in respect of which, the breach of byelaw has taken place.

In the event of any breach of a byelaw under this section in the case of any ship, boat, carriage, or gunpowder, whether there has or has not been any conviction for such breach, it shall be lawful for the harbour-master, or other officer named in the byelaws, or any person acting under the orders of the harbour authority, to cause such ship, boat, carriage, or gunpowder, at the expense of the owner thereof, to be removed to such place or otherwise dealt with in such manner as may be in conformity with the byelaws, and all expenses incurred in such removal may be recovered in the same manner as a penalty under this section, and any person resisting such harbour-master or officer or other person in such removal shall be liable to the same penalties as a person is liable to for obstructing the harbour-master in the execution of his duty.

On any part of the coast of the United Kingdom or in any tidal water for which there is no harbour authority, the Board of Trade may, if they think it expedient, make byelaws under this section for that part or water as if it were a harbour and they were the harbour authority, and such byelaws shall be deemed to have been made by a harbour authority with the sanction of the Board of Trade; and they may by such byelaws define the area within which such byelaws are to be observed, and the authorities and officers by whom such byelaws are to be enforced and carried into effect within such area, and every such

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authority and officer shall for the purposes of this Act, other than making byelaws or assenting to a site for a new factory or magazine, have the same power within the said area as a harbour authority and an officer of a harbour authority have respectively under this Act in a harbour.

PART II.

LAW RELATING TO OTHER EXPLOSIVES.

Application of Part I. to other Explosives.

Part I. relating to gunpowder applied to other explosives.

39. Subject to the provisions hereafter in this part of this Act contained, Part One of this Act relating to gunpowder shall apply to every other description of explosive, in like manner as if those provisions were herein re-enacted with the substitution of that description of explosive for gunpowder.

PART III.

ADMINISTRATION OF LAW.

Local Supervision.

Definition and Powers of Local Authority.

Definition of local authority.

67. The local authority, for the purposes of this Act, shall be—

(4.) In any harbour within the jurisdiction of a harbour authority, whether situate or not within the jurisdiction of any local authority before in this section mentioned, the harbour authority, to the exclusion of any other local authority.

Duty of local authority and power of officer.

69. It shall be the duty of every local authority to carry into effect within their jurisdiction the powers vested in them under this Act.

Any officer authorised by the local authority may, on producing, if demanded, either a copy of his authority purporting to be certified by the clerk or some member of the local authority, or some other sufficient evidence of his authority, require the occupier of any store (not being subject to the inspection under this Act of any inspector of mines) or any registered premises, or any small firework factory, to show him every or any place and all or any of the receptacles in which any explosive or ingredient of an explosive, or any substance the keeping of which is restricted or regulated by this Act, that is in his possession is kept, and to give him samples of such explosive, ingredient, or substance, or of any substance which the officer believes to be an explosive or such ingredient or substance.

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Any occupier of a store or registered premises or a small firework factory who refuses to comply with any such requisition of an officer of the local authority, or to give him such assistance as he may require for the purpose of this section, or who wilfully obstructs the local authority, or any officer of the local authority, in the execution of this Act, shall be liable to a penalty not exceeding twenty pounds.

Expenses of local authority.

70. All expenses incurred by any local authority in carrying into effect the execution of this Act, including the salary and expenses of any officer directed by them to act under this Act, shall be paid out of the local rate. The local rate shall for the purposes of this Act mean as follows; that is to say,

In the city of London the consolidated rate;

In the metropolis (exclusive of the city of London) the consolidated rate as levied in the metropolis exclusive of the city of London, and without any demand on such city;

In a borough the borough fund or borough rate;

In a harbour any moneys, fund, or rate applicable or leviable by the harbour authority for any harbour purposes;

In any place where the justices in petty sessions are the local authority the county rate; and

In an improvement district any fund, moneys, or rate applicable or leviable by the improvement commissioners for any purposes of improvement within their district;

And the local rate or any increase of the local rate may notwithstanding any limitation in any Act be levied for the purposes of this Act.

Power of Local Authority to provide Carriages and Magazines.

Undertaking of carriage by harbour authority and canal company.

71. Every harbour authority and canal company shall, in addition to any other powers they may have for the like purpose, have power to provide carriages, ships, and boats for the conveyance, loading, or unloading of an explosive within the jurisdiction of such authority or company, and may charge a reasonable sum fixed by a byelaw under this Act for the use of such carriage, ship, or boat.

Provision of magazines by local authority.

72. Where any local authority other than justices in petty sessions satisfy the secretary of state that the erection of a magazine by such authority, either within or without their jurisdiction, for the keeping of any explosive, would conduce to the safety of the public within their jurisdiction, and would not be injurious to any harbour or urban sanitary district out of their jurisdiction, the secretary of state may grant a license under this Act for such magazine.

Where the magazine is without the jurisdiction of the local authority erecting the same, the assent of the local authority within whose jurisdiction the site is situate to such site shall be applied for in manner provided by this Act, and when the

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magazine is within the said jurisdiction notice of the application to the secretary of state for the license shall be given in like manner as notice of the intention to apply for the assent of the local authority to a site is required by this Act to be given.

The local authority may, for the purpose of any such license, acquire any land or right over land, or appropriate any land or right belonging to them, and acquire or build a magazine, and may maintain and manage such magazine, and may charge for the use by persons of any such magazine such reasonable sums as they may from time to time, with the approval of the secretary of state, fix.

Such sums shall be applied in aid of the local rate, and the expenses incurred for the purposes of this section may be defrayed out of the local rate, and the local authority may borrow on the security of the local rate the amount required for the purpose of acquiring any land or right over land, or acquiring or building a magazine in pursuance of this section.

Any such loan shall be made with the approval, in the case of a council, of the Treasury, and in the case of improvement commissioners, of the Local Government Board, and in the case of a harbour authority, of the Board of Trade.

For the purpose of such borrowing the clauses of "The Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the commissioners, shall be incorporated with this Act, and in the construction of those clauses for the purpose of this Act, this Act shall be deemed to be the special Act, and the local authority which is borrowing shall be deemed to be the commissioners.

For the purpose of the purchase of any land or right over land for the purpose of this section "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same, (except so much as relates to the purchase of land otherwise than by agreement,) shall be incorporated with this section, and in construing those Acts for the purposes of this section the special Act shall be construed to mean this Act, and the promoters of the undertaking shall be construed to mean the local authority, and land shall be construed to include any right over land.

Where any offence under this Act is committed in or about any magazine erected in pursuance of this section, such offence may be prosecuted and tried and the penalty and forfeiture therefor recovered either in the county or place in which the magazine is situate, or in any adjoining county or place.

General Power of Search.

Search for explosive when in place in contravention of this Act, or offence being committed with respect to it.

73. Where any of the following officers,—namely, any government inspector, or any constable or any officer of the local authority, if such constable or officer is specially authorised either (*a*) by a warrant of a justice (which warrant such justice may grant upon reasonable ground being assigned on oath), or (*b*) (where it appears to a superintendent or other officer of

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police of equal or superior rank, or to a government inspector, that the case is one of emergency and that the delay in obtaining a warrant would be likely to endanger life,) by a written order from such superintendent, officer, or inspector, — has reasonable cause to believe that any offence has been or is being committed with respect to an explosive in any place (whether a building or not, or a carriage, boat, or ship), or that any explosive is in any such place in contravention of this Act, or that the provisions of this Act are not duly observed in any such place, such officer may, on producing, if demanded, in the case of a government inspector a copy of his appointment, and in the case of any other officer his authority, enter at any time, and if needs be by force, and as well on Sunday as on other days, the said place, and every part thereof, and examine the same, and search for explosives therein, and take samples of any explosive and ingredient of an explosive therein, and any substance reasonably supposed to be an explosive, or such ingredient which may be found therein.

Any person who, by himself or by others, fails to admit into any place occupied by or under the control of such person any officer demanding to enter in pursuance of this section, or in any way obstructs such officer in the execution of his duty under this section, shall be liable to a penalty not exceeding fifty pounds, and shall also be liable to forfeit all explosives, and ingredients thereof, which are at the time of the offence in his possession or under his control at the said place.

Where a constable or officer of the local authority specially authorised by written authority other than a warrant of a justice of the peace, enters and searches as above provided, a special report in writing of every act done by such constable or officer in pursuance of that authority, and of the grounds on which it is done, shall be forthwith sent by the person by whom or under whose authority it was done to the secretary of state.

Seizure and detention of explosives liable to forfeiture.

74. Where any of the following officers, namely, any government inspector, or any constable, or any officer of the local authority, has reasonable cause to believe that any explosive or ingredient of an explosive or substance found by him is liable to be forfeited under this Act, he may seize and detain the same until some court of summary jurisdiction has determined whether the same is or is not so liable to be forfeited, and with respect thereto the following provisions shall have effect:

(1.) The officer seizing may either require the occupier of the place in which it was seized (whether a building or not, or a carriage, boat, or ship) to detain the same in such place or in any place under the control of such occupier, or may remove it in such manner and to such place as will in his opinion least endanger the public safety, and there detain it, and may, where the matter appears to him to be urgent and fraught with serious

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public danger, and he is a government inspector, or is authorised by an order from a government inspector or a justice of the peace, or from a superintendent or other officer of police of equal or superior rank, cause the same to be destroyed or otherwise rendered harmless; but before destroying or rendering harmless the same he shall take and keep a sample thereof, and shall, if required, give a portion of the sample to the person owning the explosive, or having the same under his control at the time of the seizure; and any such occupier who, by himself or by others, fails to keep the same when he is required in pursuance of this section to detain it, and any such occupier or other person who, except with the authority of the officer seizing the same, or of a government inspector, or in case of emergency for the purpose of preventing explosion or fire, removes, alters, or in any way tampers or deals with the same while so detained, shall be liable to a penalty not exceeding fifty pounds, and shall also be liable to forfeit all explosives, and ingredients thereof, which are at the time of the offence in his possession or under his control at the said place:

(2.) The proceedings before a court of summary jurisdiction for determining whether the same is or is not liable to forfeiture shall be commenced as soon as practicable after the seizure; and

(3.) The receptacles containing the same may be seized, detained, and removed in like manner as the contents thereof; and

(4.) The officer seizing the same may use for the purposes of the removal and detention thereof any ship, boat, or carriage in which the same was seized, and any tug, tender, engine, tackle, beasts, and accoutrements belonging to or drawing or provided for drawing such ship, boat, or carriage, and shall pay to the owner a reasonable compensation for such use, to be determined, in case of dispute, by a court of summary jurisdiction, and to be recovered in like manner as penalties under this Act; and

(5.) The same shall, so far as practicable, be kept and conveyed in accordance with this Act, and with all due precaution to prevent accident, but the person seizing, removing, detaining, keeping, or conveying the same shall not be liable to any penalty, punishment, or forfeiture under this or any other Act, or to any damages, for keeping or conveying the same, so that he use all such due precautions as aforesaid; and

(6.) The officer seizing the same, or dealing with the same in pursuance of this section, shall not be liable to damages or otherwise in respect of such seizure or dealing, or

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any act incidental to or consequential thereon, unless it is proved that he made such seizure without reasonable cause, or that he caused damage to the article seized by some wilful neglect or default.

Inspection of wharf, carriage, boat, &c. with explosives in transitu.

75. Any of the following officers, namely, any government inspector under this Act, any chief officer of police, and any superior officer appointed for the purposes of this Act where the justices in petty sessions are the local authority, by the court of quarter sessions to which such justices belong, and in the case of any other local authority by the local authority itself, may, for the purpose of ascertaining whether the provisions of this Act with respect to the conveyance, loading, unloading, and importation of an explosive are complied with, enter, inspect, and examine at any time, and as well on Sundays as on other days, the wharf, carriage, ship, or boat of any carrier or other person who conveys goods for hire, or of the occupier of any factory, magazine, or store, or of the importer of any explosive, on or in which wharf, carriage, ship, or boat he has reasonable cause to suppose an explosive to be for the purpose of or in course of conveyance, but so as not to unnecessarily obstruct the work or business of any such carrier, person, occupier, or importer.

Any such officer, if he find any offence being committed under this Act in any such wharf, carriage, ship, or boat, or on any public wharf, may seize and detain or remove the said carriage, ship, or boat, or the explosive, in such manner and with such precautions as appear to him to be necessary to remove any danger to the public, and may seize and detain the said explosive, as if it were liable to forfeiture.

Any officer above mentioned in this section, and any officer of police, or officer of the local authority who has reasonable cause to suppose that any offence against this Act is being committed in respect of any carriage (not being on a railway) or any boat conveying, loading, or unloading any explosive, and that the case is one of emergency, and that the delay in obtaining a warrant will be likely to endanger life, may stop, and enter, inspect, and examine, such carriage or boat, and by detention or removal thereof or otherwise take such precautions as may be reasonably necessary for removing such danger, in like manner as if such explosive were liable to forfeiture.

Every officer shall for the purpose of this section have the same powers and be in the same position as if he were authorised by a search warrant granted under this Act, and any person failing to admit or obstructing such officer shall be liable to the same penalty.

Payment for samples of explosives.

76. When a government inspector, constable, or officer of the local authority in pursuance of this Act takes samples of any explosive, or ingredient, or substance, he shall pay for or tender payment for the same to such amount as he considers to be the market value thereof, and the occupier of the place in which, or

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the owner of the bulk from which, the sample was taken, may recover any excess of the real value over the amount so paid or tendered, and any amount so tendered, from the inspector, constable, or officer taking the sample as a debt in the county court of the district within which the sample was taken.

PART IV.

SUPPLEMENTAL PROVISIONS, LEGAL PROCEEDINGS, EXEMPTIONS, AND DEFINITIONS.

Supplemental Provisions.

Publication of byelaws, notices, &c.

84. All byelaws, notices, and documents directed by this Act to be published or advertised shall, save as otherwise provided by this Act, be published in the place which such notices and documents affect, by advertisement in some newspapers circulating generally in such place, or by placards or handbills, or in such manner as the secretary of state may from time to time direct as being in his opinion sufficient for giving information thereof to all persons interested.

Exemptions and Savings.

Exemption of government factories, &c. from the Act.

97. This Act shall not apply—

(1.) To any factory, magazine, store, premises, wharf, place, or explosive under the control of a secretary of state, the commissioners of the Admiralty, or other department of the government, or otherwise held for the service of the Crown, or to the manufacture, keeping, or importation of such explosive; or

(2.) To any of her Majesty's ships, boats, or carriages; or

(3.) To the keeping or making up, or adapting for use of any explosive issued by or by the authority of a secretary of state for the use of any volunteer corps or administrative regiment, or by or by the authority of the commissioners of the Admiralty for the use of any force under the control of those commissioners, so far as such explosive is kept, made up, and adapted for use in accordance with the regulations of the secretary of state or the said commissioners, as the case may be; or

(4.) To any storehouse appointed for receiving any such explosive as last above mentioned in pursuance of section twenty-six of the Volunteer Act, 1863, and any Act amending the same, or otherwise, if such storehouse is approved by the secretary of state or the commissioners of the Admiralty, as the case may be, as a fit place for the storing of such explosive, and is managed in accordance with the regulations of a secretary of state or such commissioners for the

26 & 27 Vict. c. 65.

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management of such storehouses, or for the management of the like storehouses appointed for the use of her Majesty's army or navy; or

(5.) To the conveyance of any explosive under the control of a secretary of state, the commissioners of the Admiralty, or other department of the government, or to the conveyance of any explosive otherwise held for the service of the Crown when the same is being conveyed in accordance with the regulations of a secretary of state or the commissioners of the Admiralty or other department of the government:

Provided that every person who enters without permission or otherwise trespasses upon any factory, magazine, or storehouse above in this section mentioned or the land immediately adjoining thereto in the occupation of the Crown or of a secretary of state or the commissioners of the Admiralty or other department of the government, or if it adjoin such a storehouse in the occupation of the officer or person in whom such storehouse is vested, and any person found committing any act tending to cause explosion or fire in or about such factory, magazine, or storehouse, shall be liable to the like penalty, and may be removed and arrested in like manner as if this section had not been enacted and this Act applied to such factory, magazine, or storehouse, as above in this section mentioned.

Saving for rocket and fog stations.

98. This Act shall not apply—

(1.) To the keeping of any rockets for use in any apparatus for saving life, kept under the control of the commissioners of the Admiralty or the Board of Trade; or

(2.) To the keeping of any explosive kept for the purpose of signalling at or near a station on the sea coast, under the control of any general lighthouse authority, as defined by the Merchant Shipping Act, 1854.(1)

17 & 18 Vict. c. 104. s. 389.

Exemption of magazines in the Mersey.

99. Nothing in this Act with respect to the keeping of gunpowder shall apply to any vessel for the storage of gunpowder moored in the river Mersey at a place appointed either before or after the passing of this Act, in pursuance of the Act of the session of the fourteenth and fifteenth years of the reign of her present Majesty, chapter sixty-seven, intituled "An Act to repeal "so much of an Act of the twelfth year of King George the "Third relating to the making, keeping, and carriage of gun-"powder, as exempts therefrom certain gunpowder magazines "and stores near Liverpool, and to make certain temporary pro-"visions with regard to the said magazines and stores;" nor shall anything in this Act affect the powers of the commissioners of the Admiralty, or a secretary of state, or the commissioners for the conservancy of the river Mersey under the said Act:

(1) *See* p. 623, note (1), *post*.

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Provided that any explosive other than gunpowder shall not be kept in such vessel except in pursuance of a license under this Act.

Definitions.

Extension of definition of explosive to other explosive substances.

104. Her Majesty may, by order in council, declare that any substance which appears to her Majesty to be specially dangerous to life or property by reason either of its explosive properties, or of any process in the manufacture thereof being liable to explosion, shall be deemed to be an explosive within the meaning of this Act, and the provisions of this Act (subject to such exceptions, limitations, and restrictions as may be specified in the order) shall accordingly extend to such substance in like manner as if it were included in the term explosive in this Act.

General definitions.

108. In this Act, unless the context otherwise requires—

The expression "this Act" includes any license, certificate, byelaw, regulation, rule, and order granted or made in pursuance of this Act:

The expression "existing" means existing at the passing of this Act:

The expression "person" includes a body corporate:

The expression "occupier" includes any number of persons and a body corporate; and in the case of any manufacture or trade, includes any person carrying on such manufacture or trade:

The expression "master" includes every person (except a pilot) having command or charge of a ship, and in reference to any boat belonging to a ship, means the master of the ship; and when used in reference to any other boat, includes every person having command or charge of such boat:

The expression "magazine" includes any ship or other vessel used for the purpose of keeping any explosive:

The expression "factory magazine" means a building for keeping the finished explosive made in the factory, and includes, if such explosive is not gunpowder, any building for keeping the partly manufactured explosive or the ingredients of such explosive which is mentioned in that behalf in the license:

The expression "store" means an existing gunpowder store as defined by this Act, or a place for keeping an explosive licensed by a license granted by a local authority under this Act:

The expression "secretary of state" means one of her Majesty's principal secretaries of state:

The expression "warehouseman" includes all persons owning or managing any warehouse, store, wharf, or other premises in which goods are deposited:

The expression "carrier" includes all persons carrying goods or passengers for hire by land or water:

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The expression "harbour authority" means any person or body of persons, corporate or unincorporate, being or claiming to be proprietor or proprietors of or intrusted with the duty or invested with the power of improving, managing, maintaining, or regulating any harbour properly so called, whether natural or artificial, and any port, haven, and estuary, or intrusted with the duty of conserving, maintaining, or improving the navigation of any tidal water, and any such harbour, port, haven, estuary, tidal water, and any wharf, dock, pier, jetty, and work, and other area, whether land or water, over which the harbour authority as above defined have control or exercise powers, are in the other portions of this Act included in the expression "harbour":

The expression "canal company" means any person or body of persons, corporate or unincorporate, being owner or lessee or owners or lessees of, or working, or entitled to charge tolls for the use of any canal in the United Kingdom, constructed or carried on under the powers of any Act of Parliament, or intrusted with the duty of conserving, maintaining, or improving the navigation of any inland water, and every such canal and inland water under the control of a canal company as above defined, and any wharf, dock, pier, jetty, and work in or at which barges do or can ship or unship goods or passengers, and other area, whether land or water, which belong to or are under the control of such canal company, are in the other portions of this Act included in the expression "canal":

The expression "tidal water" means any part of the sea or of a river within the ebb and flow of the tides at ordinary spring tides:

The expression "inland water" means any canal, river, navigation, lake, or water which is not tidal water:

The expression "railway company" means any person or body of persons, corporate or unincorporate, being the owner or lessee or owners or lessees of or working any railway worked by steam or otherwise than by animal power in the United Kingdom, constructed or carried on under the powers of any Act of Parliament and used for public traffic, and every building, station, wharf, dock, and place which belong to or are under the control of a railway company, are in the other portions of this Act included in the expression "railway":

The expression "wharf" includes any quay, landing-place, siding, or other place at which goods are landed, loaded, or unloaded:

The expression "carriage" includes any carriage, waggon, cart, truck, vehicle, or other means of conveying goods or passengers by land, in whatever manner the same may be propelled:

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The expression "ship" includes every description of vessel used in sea navigation, whether propelled by oars or otherwise:

The expression "boat" means every vessel not a ship as above defined which is used in navigation in any inland water or any harbour, whether propelled by oars or otherwise:

The expression "prescribed" means prescribed by order in council:

The expression "borough" means any place for the time being subject to the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled "An Act to provide for the regulation of "municipal corporations in England and Wales," and the Acts amending the same:

The expression "county" does not include a county of a city or a county of a town:

Every riding, division, liberty, or part of a county having a separate commission of the peace and separate court of quarter sessions is for the purposes of this Act to be deemed to be a county:

The expressions "urban sanitary district" and "urban sanitary authority" means the districts and authorities declared to be urban sanitary districts and authorities by the Public Health Act, 1872; and any urban sanitary district which is an Improvement Act district within the meaning of that Act, is in this Act referred to as an improvement district; and the expression "improvement commissioners" in this Act means the commissioners who are the urban sanitary authority for such district:

The expression "safety cartridges" means cartridges for small arms of which the case can be extracted from the small arm after firing, and which are so closed as to prevent any explosion in one cartridge being communicated to other cartridges:

The expression "Gunpowder Act, 1860," means the Act of the session of the twenty-third and twenty-fourth years of the reign of her present Majesty, chapter one hundred and thirty-nine, intituled "An Act to ament the law concerning "the making, keeping, and carriage of gunpowder and "compositions of an explosive nature, and concerning the "manufacture, sale, and use of fireworks," and the Acts amending the same:

The expression "Summary Jurisdiction Acts" means the Act of the session of the eleventh and twelfth years of the reign of her present Majesty, chapter forty-three, intituled "An "Act to facilitate the performance of the duties of justices "of the peace out of sessions within England and Wales "with respect to summary convictions and orders," and any Acts amending the same:

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The expression "court of summary jurisdiction" means any justice or justices of the peace, metropolitan police magistrate, stipendiary or other magistrate or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to:

The expression "quarter sessions" includes general sessions.

Application of Act to Scotland.

This Act shall apply to Scotland, with the following modifications; that is to say,

Local authority.

110. In Scotland, the local authority for the purposes of this Act shall be as follows:

2. In any harbour within the jurisdiction of a harbour authority, whether situate or not within the jurisdiction of any local authority for a borough, the harbour authority, to the exclusion of any other local authority; and

Expenses of local authority.

111. In Scotland, the local rate for defraying the expenses of the local authorities under this Act shall be—

(*b.*) In any harbour as aforesaid any moneys, fund, or rate applicable or leviable by the harbour authority for any harbour purpose; and

The rates or assessments in this sub-section mentioned, or any increase of any such rate or assessment, may, notwithstanding any limitation in any Act, be levied for the purposes of this Act.

Local authority to have certain powers to take land otherwise than by agreement.

113. In Scotland, every local authority under this Act shall have and may exercise the same powers for the purchase and taking of lands otherwise than by agreement, for the purpose of erecting a gunpowder magazine thereon, that any local authority under "The Public Health (Scotland) Act, 1867," have and may exercise under the provisions of section ninety of the said last-mentioned Act.

Provision for making and enforcing bye-laws, &c.

114. In Scotland, the following provisions shall have effect:

(*a.*) Where an obligation is laid by this Act on any harbour authority, company, or local authority to make or enforce any byelaws or to grant any license or to do anything, the Court of Session may, upon summary application by any corporation, harbour authority, or local authority, or party interested, compel such harbour authority, company, or local authority to discharge such obligation:

(*b.*) Every offence under this Act shall be prosecuted, every penalty recovered, and every forfeiture or order made at the instance of the Lord Advocate or of the procurator fiscal of the sheriff court:

(*c.*) The proceedings may be on indictment in the Court of Justiciary in Edinburgh or on circuit, or in the sheriff court, or may be taken summarily in the sheriff court

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under the provisions of the Summary Procedure Act, 1864, as the Lord Advocate shall direct:

(*d.*) All costs and moneys directed to be recovered as penalties may be recovered in the sheriff court at the instance of the procurator fiscal of that court, under the provisions of the Summary Procedure Act, 1864:

(*e.*) In Scotland, all penalties imposed in pursuance of this Act shall be paid to the clerk of the court imposing them, and shall by him be accounted for and paid to the Queen's and Lord Treasurer's Remembrancer, and be carried to the consolidated fund; and the proceeds of any sales of explosives or of the ingredients of explosives, or of the receptacles of explosives or their ingredients, or of any ship, boat, or carriage, forfeited and directed to be sold, or directed to be sold and disposed of as if the same were forfeited under this Act, shall be paid, accounted for, and applied in like manner as penalties under this Act:

(*f.*) In Scotland, every person found liable in any penalty or costs or to pay any money directed by this Act to be recovered as a penalty, shall be liable, in default of immediate payment, to imprisonment for a term not exceeding six months, or until such penalty, costs, or money shall be sooner paid.

Application of Act to Ireland.

This Act shall apply to Ireland, with the following modifications; that is to say,

Definition of local authority.

116. The local authority for the purposes of this Act shall be—

(3.) In any harbour within the jurisdiction of a harbour authority, whether situate or not within the jurisdiction of any local authority before in this section mentioned, the harbour authority, to the exclusion of any other local authority:

The expressions "urban sanitary authority" and "urban sanitary district" have the same meanings respectively as in the Public Health, Ireland, Act, 1874.

Expenses of local authority.

118. All expenses incurred by any local authority in carrying into effect the execution of this Act in Ireland, including the salary and expenses of any officer directed by them to act under this Act, shall be paid out of the local rate. The local rate shall for the purposes of this Act mean as follows; that is to say,

In harbours, any moneys, fund, or rate applicable or leviable by the harbour authority for any harbour purposes;

And the local rate or any increase of the local rate may, notwithstanding any limitation in any Act, be levied for the purposes of this Act.

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38 & 39 Victoria.—A.D. 1875.

Cap. XXV.

An Act to consolidate, with amendments, the Acts relating to the Protection of Public Stores.

[29th June 1875.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as The Public Stores Act, 1875.

Interpretation of terms.

2. In this Act—

The term "secretary of state" means one of her Majesty's principal secretaries of state:

The term "the Admiralty" means the lord high admiral of the United Kingdom, or the commissioners for executing the office of lord high admiral:

The term "stores" includes all goods and chattels, and any single store or article:

"Summary Jurisdiction Acts."

The term "Summary Jurisdiction Acts" means as follows:

As to England, the Act of the session of the eleventh and twelfth years of the reign of her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," and any Acts amending the same;

27 & 28 Vict. c. 53.

As to Scotland, The Summary Procedure Act, 1864;

14 & 15 Vict. c. 93.

As to Ireland, within the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district, or of the police of such district; and elsewhere in Ireland, The Petty Sessions (Ireland) Act, 1851, and any Act amending the same;

"Court of summary jurisdiction."

The term "court of summary jurisdiction" means—

In England and Ireland, any justice or justices of the peace, metropolitan police magistrate, stipendiary or other magistrate, or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to; and

In Scotland, the sheriff or sheriff substitute.

Stores to which the Act applies.

3. This Act shall apply to all stores under the care, superintendence, or control of a secretary of state or the Admiralty, or any public department or office, or of any person in the service of her Majesty, and such stores are in this Act referred to as her Majesty's stores. The secretary of state, Admiralty,

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public department, office, or person having the care, superintendence, or control of such stores are herein-after in this Act included in the expression public department.

Marks in schedule appropriated for public stores.

4. The marks described in the first schedule to this Act may be applied in or on stores therein described in order to denote her Majesty's property in stores so marked; and it shall be lawful for any public department, and the contractors, officers, and workmen of such department, to apply those marks, or any of them, in or on any such stores; and if any person without lawful authority (proof of which authority shall lie on the party accused) applies any of those marks in or on any such stores he shall be guilty of a misdemeanor, and shall on conviction thereof be liable to be imprisoned for any term not exceeding two years, with or without hard labour.

Obliteration with intent to concealment.

5. If any person with intent to conceal her Majesty's property in any stores takes out, destroys, or obliterates, wholly or in part, any such mark as aforesaid, or any mark whatsoever denoting the property of her Majesty in any stores, he shall be guilty of felony, and shall on conviction thereof be liable, in the discretion of the court before which he is convicted, to be kept in penal servitude for any term not exceeding seven years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

Power to stop suspected boats persons, &c.

6. A constable of the metropolitan police force may, within the limits for which he is constable, and any constable, if deputed by a public department, may, within the limits for which he is constable, stop, search, and detain any vessel, boat, or vehicle in or on which there is reason to suspect that any of her Majesty's stores stolen or unlawfully obtained may be found, or any person reasonably suspected of having or conveying in any manner any of her Majesty's stores stolen or unlawfully obtained.

A constable shall be deemed to be deputed by a public department within the meaning of this section if he is deputed by any writing signed by the person who is the head of such department, or who is authorised to sign documents on behalf of such department.

Unlawful possession of her Majesty's stores.

7. If any person is brought before a court of summary jurisdiction charged with conveying or with having in his possession or keeping any of her Majesty's stores reasonably suspected of being stolen or unlawfully obtained, and does not give an account to the satisfaction of the court how he came by the same, he shall be deemed guilty of a misdemeanor, and shall be liable, on summary conviction, to a penalty not exceeding five pounds, or, in the discretion of the court, to be imprisoned for any term not exceeding two months, with or without hard labour.

Prohibition of sweeping, &c. near dock-

8. It shall not be lawful for any person, without permission in writing from a public department, or from some person

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yards, artillery ranges, &c.

authorised by a public department in that behalf, (proof of which permission shall lie on the party accused,) to gather or search for stores, or to creep, sweep, or dredge in the sea or any tidal water, within one hundred yards from any vessel belonging to her Majesty or in her Majesty's service, or from any mooring place or anchoring place appropriated to such vessels, or from any moorings belonging to her Majesty, or from any of her Majesty's wharves, or dock, victualling, or steam factory yards, or within one thousand yards from any battery or fort used for the practice of artillery either by the royal artillery or by militia or volunteer artillery, or in or on any part of the spaces or distances, whether covered with water or not, from time to time marked out as ranges for artillery practice for the use of her Majesty's ships, or marked out and appropriated for ranges under the provisions of the Artillery Ranges Act, 1862.

Penalty.

If any person acts in contravention of this provision he shall be liable, on summary conviction, to a penalty not exceeding five pounds, or, in the discretion of the court, to be imprisoned for any term not exceeding two months, with or without hard labour.

Penalty on dealer, &c. found in possession of stores, and not accounting for them.

9. If stores are found in the possession or keeping of a person being in her Majesty's service, or in the service of a public department, or being a dealer in marine stores or in old metals, or a pawnbroker (within the meaning of any enactments for the time being in force relating to such dealers or to pawnbrokers), and he is taken or summoned before a court of summary jurisdiction, and the court sees reasonable grounds for believing the stores found to be or to have been her Majesty's property, then if such person does not satisfy the court that he came lawfully by the stores so found, he shall be liable, on summary conviction, to a penalty not exceeding five pounds.

Criminal possession explained.

10. For the purposes of this Act stores shall be deemed to be in the possession or keeping of any person if he knowingly has them in the actual possession or keeping of any other person, or in any house, building, lodging, apartment, field, or place, open or enclosed, whether occupied by himself or not, and whether the same are so had for his own use or benefit or for the use or benefit of another.

Conviction of dealer in old metals.

11. A conviction in England under any provision of this Act of a dealer in old metals shall, for the purposes of registration and its consequences under The Old Metal Dealers Act, 1861,(1) be equivalent to a conviction under that Act.

Parts of 24 & 25 Vict. c. 96. incorporated.

12. The following sections of The Larceny Act, 1861,(2) are hereby incorporated with this Act, and shall for the purposes of

(1) *See* The Old Metal Dealers Act, 1861 (24 & 25 Vict. c. 110.), ss. 5., 6., 7., 8., p. 313, *ante*.

(2) *See* The Larceny Act, 1861, 24 & 25 Vict. c. 96., p. 297, *ante*.

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this Act be read as if they were here re-enacted, namely, sections ninety-eight to one hundred, one hundred and three, one hundred and seven to one hundred and thirteen, and one hundred and fifteen to one hundred and twenty-one, all inclusive; and for this purpose the expression "this Act," where used in those sections, shall be taken to include the present Act.

Provision for regimental necessaries, &c.

13. The provisions of this Act relative to the taking out, destroying, or obliterating of marks, or to the having in possession or keeping her Majesty's stores, shall not apply to stores issued as regimental necessaries or otherwise for any soldier, militiaman, or volunteer; but nothing herein shall relieve any person from any obligation or liability to which he may be subject under any other Act in respect of any such stores.

Summary proceedings for offences, penalties, &c. in England, Ireland, and Scotland.

14. In England and Ireland all offences for which a person is liable under this Act on summary conviction to any punishment or penalty may be prosecuted, and any such penalty may be recovered before a court of summary jurisdiction in manner directed by the Summary Jurisdiction Acts.

Provided as follows:

The court of summary jurisdiction, when hearing and determining an information or complaint, shall be constituted—

(*a.*) In England, either of two or more justices of the peace in petty sessions sitting at a place appointed for holding petty sessions, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the administration of justice, and for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace; and

(*b.*) In Ireland, within the police district of Dublin metropolis, of one of the divisional justices of that district sitting at a police court within the district, and elsewhere of two or more justices of the peace sitting in petty sessions at a place appointed for holding petty sessions:

In Scotland, all offences for which a person is liable under this Act on summary conviction to any punishment or penalty may be prosecuted, and any such penalty may be recovered before the sheriff or sheriff substitute, and may be so prosecuted and recovered under the provisions of the Summary Jurisdiction Acts, and all jurisdictions, powers, and authorities necessary for that purpose are hereby conferred on sheriffs and their substitutes.

Penalties, &c. to be paid into Exchequer.

15. Any pecuniary penalty or other money recovered under this Act in relation to any stores shall, in such manner as the Treasury from time to time direct, be paid into the receipt of the Exchequer, and carried to the consolidated fund; and this

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section shall supersede any enactment to the contrary contained in any Act relating to municipal corporations or the metropolitan police, or in any other Act.

Not to prevent persons being indicted.

16. Nothing in this Act shall prevent any person from being indicted under this Act or otherwise for any indictable offence made punishable on summary conviction by this Act, or prevent any person from being liable under any other Act or otherwise to any other or higher penalty or punishment than is provided for any offence by this Act, so that no person be punished twice for the same offence.

Amendment of sect. 45. of 28 & 29 Vict. c. 89.

17. Section forty-five of the Greenwich Hospital Act, 1865,(1) shall be read and have effect as if this Act, instead of the Naval and Victualling Stores Act, 1864, were referred to in that section.

As to repeal of Acts and parts of Acts in second schedule.

18. * * * * * * * this Act shall apply to stores bearing any such mark or part of a mark as in this Act mentioned, whether applied before or after the passing of this Act.

FIRST SCHEDULE.

Marks appropriated for use in or on her Majesty's Stores.

Stores.	Marks.
Hempen cordage and wire rope -	White, black, or coloured worsted threads laid up with the yarns and the wire respectively.
Canvas, fearnought, hammocks, and seamen's bags.	A blue line in a serpentine form.
Buntin - - -	A double tape in the warp.
Candles - - -	Blue or red cotton threads in each wick or wicks of red cotton.
Timber or metal - - Any stores not before enumerated, whether similar to the above or not.	The name of her Majesty, her predecessors, her heirs or successors, or of any public department, or any branch thereof, or the broad arrow, or a crown, or her Majesty's arms, whether such broad arrow, crown, or arms be alone or be in combination with any such name as aforesaid, or with any letters denoting any such name.

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(1) 28 & 29 Vict. c. 89., p. 384, *ante*.

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38 & 39 Victoria.—A.D. 1875.

CAP. LI.

An Act to amend the Act of the Session of the thirty-fifth and thirty-sixth years of the reign of her present Majesty, chapter nineteen, intituled "An Act for the "prevention and punishment of criminal outrages "upon natives of the islands in the Pacific Ocean."

[2d August 1875.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Construction of Act and short title.

1. This Act shall be construed as one with the Act of the session of the thirty-fifth and thirty-sixth years of the reign of her present Majesty, chapter nineteen(1) (in this Act referred to as the principal Act); and the expression "this Act," when used in the principal Act, shall be deemed to include this Act.

The principal Act and this Act may be cited together as the Pacific Islanders Protection Acts, 1872 and 1875, and each of them may be cited separately as the Pacific Islanders Protection Act of the year in which it was passed.

Amendment of 35 & 36 Vict. c. 19. s. 3. as to the carrying in British vessels of native labourers.

2. Whereas by section three(2) of the principal Act it is enacted that it shall not be lawful for any British vessel to carry native labourers of the islands in the Pacific Ocean referred to in the said Act, not being part of the crew of such vessel, unless the master has given such bond as is therein mentioned, and has obtained from a governor of one of the Australasian colonies or a British consular officer a license in the form contained in Schedule B. to the said Act:

And whereas such license does not authorise the carrying in a British vessel of the said native labourers for the purpose of carrying on any fishery, industry, or occupation in connexion with the said vessel, and it is expedient to authorise the same: Be it therefore enacted as follows:

The license mentioned in sections three and five(3) of the principal Act may authorise a British vessel to carry native labourers in such vessel for the purpose of carrying on any fishery, industry, or occupation in connexion with the said vessel, and may for that purpose be in the form contained in the Schedule B. to this Act, in lieu of the form contained in Schedule B. to the principal Act, and the bond mentioned in section three of the principal Act shall in such case be in the form contained in Schedule A. to this Act in lieu of the form contained in Schedule A. to the principal Act.

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(1) *See* p. 515, *ante*. (2) *See* p. 516, *ante*. (3) *See* pp. 516, 517, *ante*.

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If a native labourer, carried in pursuance of a license issued under this section, is not engaged in like manner as a seaman forming part of the crew of the vessel, by an agreement made in accordance with the Merchant Shipping Act, 1854,(1) and the Acts amending the same, the engagement of such labourer shall be recorded in such manner and with such particulars as may be from time to time prescribed by her Majesty by order in council, but in all cases the name of the labourer engaged shall be entered in the official log with particulars sufficient to identify such labourer.

Amendment of 35 & 36 Vict. c. 19. ss. 6 and 16 as to seizure of suspected British vessels.

3. Whereas by sections six and sixteen(2) of the principal Act provision is made with respect to the detention, seizure, and bringing in for adjudication of a British vessel suspected of being employed or found employed in the commission of the offences therein mentioned, or otherwise as in the said sections mentioned, and it is expedient to amend such provision: Be it therefore enacted as follows:

Where a British vessel may, under the principal Act, be detained, seized, and brought in for adjudication by any officer, all goods and effects found on board such vessel may also be detained, seized, and brought in for adjudication by such officer, either with or without such vessel; and all the provisions of the principal Act referring to the seizure or detention of a vessel shall, so far as is consistent with the tenor thereof, be construed also to refer to the seizure and detention of such goods and effects.

Jurisdiction of courts in regard to vessels, goods, and effects seized under 35 & 36 Vict. c. 19. or this Act.

4. Whereas it is expedient to amend the provisions made by the principal Act with respect to the jurisdiction of the Admiralty Courts: Be it therefore enacted as follows:

The High Court of Admiralty of England and every vice-admiralty court in her Majesty's dominions out of the United Kingdom shall have jurisdiction to try and condemn as forfeited to her Majesty or restore any vessel, goods, and effects alleged to be detained or seized in pursuance of the principal Act or of this Act, and on restoring the same to award such damages in respect of the detention and seizure of such vessel, goods, and effects, or any of them, and of any person on board such vessel, and in respect of any act or thing done in relation to such detention or seizure, or in respect of any of such matters, and in any case to make such order as to costs, as, subject to the provisions of the principal Act and this Act, the court may think just.

For the purposes of the principal Act and this Act, any court mentioned in this section shall have the same powers as are by sections twelve and thirteen(3) of the principal Act (which sections relate to the issue of commissions for the examination of witnesses and other matters relative to obtaining evidence) vested in the supreme court of any of the Australasian colonies, and further all

(1) 17 & 18 Vict. c. 104. s. 149., p. 181, *ante*; 36 & 37 Vict. c. 85. s. 7., p. 549, *ante*.
(2) *See* pp. 517, 520, *ante*. (3) *See* p. 518, *ante*.

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powers which such court has in the case of any vessel, goods, and effects, or matter brought before it in the exercise of its jurisdiction under any other Act or otherwise.

Adaptation of 35 & 36 Vict. c. 19. ss. 19. and 20. to this Act.

5. Sections nineteen and twenty(1) of the principal Act, which relate to proceedings instituted in and an award of damages by a vice-admiralty court in respect of the seizure or detention of a vessel, shall extend to any such proceedings and award by the High Court of Admiralty of England, and to any such proceedings and award either in that court or any vice-admiralty court, in respect of the seizure or detention of any goods or effects authorised by this Act to be seized or detained.

Power for her Majesty to exercise jurisdiction over British subjects in islands of the Pacific Ocean.

Office of high commissioner.

6. It shall be lawful for her Majesty to exercise power and jurisdiction over her subjects within any islands and places in the Pacific Ocean not being within her Majesty's dominions, nor within the jurisdiction of any civilized power, in the same and as ample a manner as if such power or jurisdiction had been acquired by the cession or conquest of territory, and by order in council to create and constitute the office of high commissioner in, over, and for such islands and places, or some of them, and by the same or any other order in council to confer upon such high commissioner power and authority, in her name and on her behalf, to make regulations for the government of her subjects in such islands and places, and to impose penalties, forfeitures, or imprisonments for the breach of such regulations.

Power to her Majesty to erect a court of justice for British subjects in the islands of the Pacific.

It shall be lawful for her Majesty, by order in council, to create a court of justice with civil, criminal, and admiralty jurisdiction over her Majesty's subjects within the islands and places to which the authority of the said high commissioner shall extend and with power to take cognizance of all crimes and offences committed by her Majesty's subjects within any of the said islands and places, or upon the sea, or in any haven, river, creek, or place within the jurisdiction of the Admiralty; and her Majesty may, by order in council, from time to time direct that all the powers and jurisdiction aforesaid, or any part thereof, shall be vested in and may be exercised by the court of any British colony designated in such order, concurrently with the high commissioner's court or otherwise, and may provide for the transmission of offenders to any such colony for trial and punishment, and for the admission in evidence on such trial of the depositions of witnesses taken in such islands and places as aforesaid, and for all other matters necessary for carrying out the provisions of such order in council.

Power to make ordinances.

It shall also be lawful for her Majesty, by any order or orders in council, from time to time to ordain for the government of her Majesty's subjects, being within such islands and places, any law or ordinance which to her Majesty in council may seem

(1) *See* p. 521, *ante*.

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meet, as fully and effectually as any such law or ordinance could be made by her Majesty in council for the government of her Majesty's subjects within any territory acquired by cession or conquest.

High commissioner to have powers of consular officer.

The person for the time being lawfully acting in the capacity of high commissioner, and any deputy commissioner, duly appointed and empowered under the provisions of any such order in council as aforesaid, and acting under the directions of the high commissioner, shall have and may exercise and perform any power, authority, jurisdiction, and duty vested in or imposed upon any British consular officer by the principal Act or by any other Act having reference to such consular officers, passed either before or after the passing of this Act; and every such Act shall be construed as if the said high commissioner and deputy commissioner were named therein in addition to a British consular officer.

Saving of rights of tribes.

7. Nothing herein or in any such order in council contained shall extend or be construed to extend to invest her Majesty, her heirs or successors, with any claim or title whatsoever to dominion or sovereignty over any such islands or places as aforesaid, or to derogate from the rights of the tribes or people inhabiting such islands or places, or of chiefs or rulers thereof, to such sovereignty or dominion, and a copy of every such order in council shall be laid before each house of Parliament within thirty days after the issue thereof, unless Parliament shall not then be in session, in which case a copy shall be laid before each house of Parliament within thirty days after the commencement of the next ensuing session.

Amendment of definitions in 35 & 36 Vict. c. 19.

8. Whereas by reason of the cession to her Majesty of the colony of Fiji, it is expedient to amend the definition of Australasian colonies in the principal Act: Be it therefore enacted as follows:

The term "Australasian colonies"(1) in the principal Act and this Act shall mean and include the colony of Fiji.

Subject to the provisions of any Act or ordinance passed by the legislature of the colony of Fiji, the provisions of the principal Act and this Act shall continue to apply and be deemed always to have continued to apply to natives of Fiji in like manner as if they were natives of islands in the Pacific Ocean not being in her Majesty's dominions nor within the jurisdiction of any civilized power.

Alteration of forms.

9. The forms(2) in the schedules to the principal Act shall be altered by the substitution of a reference to the Pacific Islanders Protection Acts, 1872 and 1875, for the reference therein to the principal Act.

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(1) *See* p. 516, *ante*. (2) *See* pp. 521, 522, *ante*.

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10. This Act shall be proclaimed in each Australasian colony by the governor thereof within six weeks after a copy of it has been received by such governor, and shall take effect in the said colony from the day of such proclamation. Proclamation of Act.

* * * * * * *

SCHEDULE A.

Form of Bond to be entered into by Masters of Vessels under the "Pacific Islanders Protection Acts, 1872 and 1875."

Know all men by these presents, That we, A.B., of , and C.D., of , are held and firmly bound unto our Sovereign Lady Queen Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, in the sum of five hundred pounds of good and lawful money of Great Britain, to be paid to our said Sovereign Lady the Queen, her heirs and successors, to which payment well and truly to be made we bind ourselves and every of us, jointly and severally, for and in the whole, our heirs, executors, and administrators, and every of them, firmly by these presents.

Sealed with our seals. Dated this day of 187 .

Whereas it is enacted by "The Pacific Islanders Protection Act, 1875," that a license may be given by the governor of one of the Australian colonies as therein defined, or a British consular officer, authorising a British vessel to carry native labourers in such vessel for the purpose of carrying on any fishery, industry, or occupation in connexion with the said vessel:

Now the condition of their obligation is this, that if in respect of the vessel , whereof the above bounden A.B. is master, all and every the requirements of the said Acts, so far as they are applicable thereto, and of the license issued under "the Pacific "Islanders Protection Act, 1875," to the said master shall be well and truly performed, and if the above bounden A.B. shall satisfy the governor of any of her Majesty's Australian colonies, or the British consular officer aforesaid, that no kidnapping was allowed or connived at by any person on board of or connected with the said vessel during the currency of the said license, then this obligation is to be void, otherwise to remain in full force.

Signed, sealed, and delivered by the above bounden A.B. and C.D., in the presence of E.F., of (L.S.)

(L.S.)

SCHEDULE B.

(*Royal Arms.*)

LICENSE for the Employment of Natives at Sea.

A.B., master of the , the vessel more particularly described below, having shown to my satisfaction that he is engaged in the fishery [or industry or occupation, as the case may be,] of , in

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connexion with such vessel, and having given the bond to her Majesty required by the Pacific Islanders Protection Acts, 1872 and 1875, I [the governor of the colony of , or her Majesty's consul of as the case may be,] do hereby, in exercise of the authority for that purpose conferred on me by the said Acts, license the said vessel to employ in the said fishery [or as the case may be] not more than native labourers from the day of 18 to the day of 18 .

Should this vessel be found to answer the subjoined description, and appear to be strictly engaged in the lawful pursuit of the above-mentioned object, it is the direction of her Majesty's government that she shall not be obstructed in the prosecution of her present voyage, nor in the shipment, employment, or landing of her native hands.

This license shall not be transferable, and shall be available only for the period aforesaid.

DESCRIPTION of the Vessel above referred to.

Tons (registered tonnage) - - - - -
Rig (i.e., ship, barque, brig, &c.) - - - -
How painted - - - - - - -
Name painted on stern - - - - - -
Whether any poop - - - - - -
Whether any quarter galleries - - - - -
Whether a top-gallant forecastle - - - -
Name of chief officer - - - - - -
Number of officers and crew, including surgeon, if any -

Bound from to , and intending to call at and .

Given under my hand and seal at this day of 18 .

Governor or Consul,
[as the case may be].
(L.S.)

To the respective flag officers, captains, and commanding officers of her Majesty's ships, and to all others whom it may concern.

---

39 & 40 Victoria.—A.D. 1876.

CAP. XXXVI.

An Act to consolidate the Customs Laws.

[24th July 1876.]

WHEREAS it is expedient that the several Acts now in force for the management and regulation of customs should be consolidated into one Act:

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and

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temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

MANAGEMENT.

As to the Appointment of Commissioners of Customs, &c.

Appointment of Officers, &c.

Board of customs appointed by her Majesty not to exceed five.

1. It shall be lawful for her Majesty from time to time to appoint, under the great seal of the United Kingdom, any number of persons not exceeding five to be commissioners of customs for the collection and management of the customs of the United Kingdom and of her Majesty's possessions abroad, and each of such commissioners when so appointed shall have and hold his office during her Majesty's pleasure.

Persons employed on service of the customs to be deemed officers for such service.

4. Every person employed on any duty or service relating to the customs, trade, or navigation, either in the United Kingdom, the Channel Islands, or any of her Majesty's possessions abroad, by the orders or with the concurrence of the commissioners of customs (whether previously or subsequently expressed), shall be deemed to be the officer for that duty or service; and every act required by law at any time to be done by or with any particular officer nominated for such purpose, if done by or with any person appointed by the commissioners of customs to act for such particular officer, shall be deemed to be done by or with such particular officer; and every act required by law to be done at any particular place within any port, if done at any place within such port appointed by the commissioners of customs for such purpose, shall be deemed to be done at the particular place so required by law.

Officers taking fee or reward not authorised by law, to be dismissed.

5. If any officer, clerk, or any other person acting in any office or employment in or belonging to the customs shall accept any fee, perquisite, or reward, whether pecuniary or otherwise, directly or indirectly, from any person (not being a person appointed to some office in the customs) on account of anything done or omitted to be done by him in or in any way relating to his said office or employment, except such as he shall receive under permission of the commissioners of the Treasury or customs, such officer, clerk, or other person so offending shall, on proof thereof to the satisfaction of the commissioners of customs, be dismissed from his office.

IMPORTATION AND WAREHOUSING.

AS TO THE IMPORTATION, PROHIBITION, ENTRY, EXAMINATION, LANDING, AND WAREHOUSING OF GOODS.

Officers to board ships. To have free access to all parts. May seal or secure goods and open locks.

47. The proper officers of the customs may board any ship arriving at any port in the United Kingdom or the Channel Islands, and stay on board unto all the goods laden therein shall be duly delivered therefrom, or until her departure, and shall have free access to every part thereof, with power to fasten down hatchways or entrances to the hold, and to mark any goods before landing, and to lock up, seal, mark, or otherwise secure any goods on board such ship; and if any place or any box or chest be locked, and the keys be withheld, any examining or

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IMPORTATION AND WAREHOUSING.

superior officer may open any such place, box, or chest in the best manner in his power; and if any goods be found concealed on board any such ship they shall be forfeited; and if the officers shall place any lock, mark, or seal upon any goods on board, or on any place or package in which the same may be, and such lock, mark, or seal be wilfully opened, altered, or broken before due delivery of such goods, or if any of such goods be secretly conveyed away, or if the hatchways or entrances to the hold, after having been fastened down by the officer, be opened, the master of such ship shall forfeit the sum of one hundred pounds.(1)

Goods concealed, forfeited.

If seal, &c. broken, master to forfeit 100*l.*

Report of Cargo.

As to Report of Cargo.

Commissioned ships, British or foreign, having goods on board, persons in charge to deliver an account or forfeit 100*l.*

52. The captain or other officer having the charge of any ship (having commission from her Majesty or from any foreign state), having on board any goods laden in parts beyond the seas, shall, on arrival at any port in the United Kingdom, and before any part of such goods be taken out of such ship, or when called upon so to do by any officer of the customs, deliver an account in writing under his hand to the best of his knowledge of the quality and quantity of every package or parcel of such goods, and of the marks and numbers thereon, and of the names of the respective shippers and consignees of the same, and shall make and subscribe a declaration at the foot of such account declaring to the truth thereof, and shall also truly answer to the collector or other proper officer such questions concerning such goods as shall be required of him, and on failure thereof such captain or other officer shall forfeit the sum of one hundred pounds; and all such ships shall be liable to such searches as merchant ships are liable to, and the officers of the customs may freely enter and go on board all such ships, and bring from thence on shore into the Queen's warehouse any goods found on board any such ship as aforesaid, subject nevertheless to such regulations in respect to ships of war belonging to her Majesty as shall from time to time be directed in that respect by the commissioners of her Majesty's Treasury.

Such ships liable to search.

Master to answer questions.

53. The master of every ship arriving from parts beyond the seas shall at the time of making report answer all such questions relating to the ship, cargo, crew, and voyage as shall be put to him by the collector or other proper officer; and if he refuses to answer or does not answer truly, or if after the arrival within four leagues of the coast of the United Kingdom bulk shall be broken, or any alteration made in the stowage of the cargo of such ship so as to facilitate the unlading of any part of such cargo before report of such ship and cargo, or if any part be staved, destroyed, or thrown overboard, or any package be opened, unless cause be shown to the satisfaction of the commissioners of customs, in every such case the master shall forfeit the sum of one hundred pounds.

Bulk not to be broken or stowage altered.

Penalty 100*l.*

(1) The residue of this section is repealed.

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54. If the contents of any package intended for exportation in the same ship shall be reported by the master as being unknown to him, the officers of the customs may open and examine such package on board such ship, or bring the same to the Queen's warehouse for that purpose; and if there be found therein any goods which are prohibited to be imported such goods shall be forfeited, unless the commissioners of customs shall permit them to be exported.

Packages reported "Contents unknown" may be opened and examined.

Prohibited goods forfeited.

AS TO THE EXPORTATION, ENTRY, AND CLEARANCE OF SHIPS TO PARTS BEYOND THE SEAS.

EXPORTATION.

As to Debentures for Drawback on Goods exported.

121. Wine intended for the consumption of officers of her Majesty's navy on board such of her Majesty's ships in actual service as they shall serve in, not exceeding in any one year for use of such officers the quantities herein-after respectively mentioned; that is to say,

Wine allowed for officers in the navy.

	Gallons.
For every admiral - - -	1,260
„ vice-admiral - - -	1,050
„ rear-admiral - - -	840
„ captain of the 1st and 2nd rate	630
„ captain of the 3rd, 4th, and 5th rate - - - -	420
„ captain of an inferior rate -	210
„ lieutenant or other commanding officer, marine officer, master, paymaster, or surgeon -	105

may be taken from the warehouse without payment of duty and shipped at such ports and under such regulations as the commissioners of customs may direct or approve.

122. If any such officer shall leave the service or be removed to another ship, the officer of the customs may permit the transfer of any such wine from one officer to another, as part of his proportion, whether on board the same ship or another, or the transhipment from one ship to another for the same officer, or the re-landing and warehousing for future re-shipment; and the officers of customs at any port may receive the duties for any of such wine, and deliver the same for home use; but if any of such wine be not laden on board the ship for which the same was intended, or be unladen from such ship without permission of the proper officer of customs, the same shall be forfeited.

On officers leaving the service, &c., wine transferable to others.

123. The paymaster or other proper officer of any of her Majesty's ships of war in actual service may enter and ship, at any port approved of by the commissioners of customs, in the proportions herein-after mentioned, any tobacco there warehoused in his name or transferred into his name for the use of the ship in which he shall serve, provided such paymaster shall deliver to the collector or other proper officer of such port a certificate from the captain of such ship, stating the name of the

Paymasters of her Majesty's ships may ship tobacco for crew free of duty.

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EXPORTATION.

paymaster, and the number of men belonging to the ship, and shall also give bond, with one sufficient surety, in treble the duties payable on the tobacco, that no part thereof shall be relanded without leave of the officers of customs.

Paymaster removed from one ship to another may tranship tobacco with permission.

124. If any paymaster or other proper officer shall be removed from one ship to another, the collector or other proper officer of any port may permit the transhipment of the remains of any tobacco for the use of such other ship, upon due entry thereof by such paymaster or other proper officer, setting forth the time when and the port at which such tobacco was first shipped; and if any such ship shall be paid off, the collector or other proper officer of the port may permit the remains of such tobacco to be landed, and to be entered by the paymaster or other proper officer of such ship, either for payment of duties, or to be warehoused for the term of six months for the supply of some other ship, in like manner as any tobacco may be warehoused and supplied at any port, or for payment of all duties within such six months; and all tobacco warehoused for the purpose of so supplying her Majesty's ships of war shall be subject to the laws in force relating to the warehousing of tobacco generally, so far as the same are applicable.

Limiting the quantity of tobacco.

125. No greater quantity of tobacco shall be allowed to any ship of war than two pounds by the lunar month for each of the crew of such ship, nor shall any greater quantity be shipped at any one time than sufficient to serve the crew of such ship for six months after such rate of allowance; and the collector or other proper officer of the port at or from which any such tobacco shall be supplied to any such ship, or landed from any such ship, or transferred from one such ship to another, shall transmit a particular account thereof to the commissioners of customs, in order that a general account may be kept of all the quantities supplied to and consumed on board each of such ships under the allowances before granted.

COASTING TRADE.

AS TO COASTING TRADE.

Officer may go on board and examine any coasting ship.

147. Any collector or other proper officer of customs may go on board any coasting ship in any port or place in the United Kingdom, or at any period of her voyage, search such ship, and examine all goods on board, and all goods then lading or unlading, and demand all documents which ought to be on board such ship, and may require all or any such documents to be brought to him for inspection, and the master of any ship refusing to produce such documents on demand, or to bring the same to the collector or other proper officer when required, shall forfeit the sum of twenty pounds.

BRITISH POSSESSIONS.

AS TO THE CHANNEL ISLANDS AND OTHER POSSESSIONS.

Application of penalties.

160. All penalties and forfeitures recovered in the Channel Islands under this or any Act relating to the Customs shall be paid into the hands of the principal officer of the port or place

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BRITISH POSSESSIONS.

where the same shall have been recovered, and shall be divided, paid, and applied as follows; (that is to say,) after deducting the charges and expenses incurred in respect thereof, one moiety of the net produce shall be paid to the receiver-general of the islands, and the other moiety to or amongst the seizor or other persons by or through whom or whose information such seizure may have been effected, in such manner and proportion as the commissioners of customs may direct, except where such seizures shall have been made at sea by the commander or officer of any of her Majesty's ships of war duly authorised to make seizures, in which case such last-mentioned moiety shall be paid to such commander or officer for distribution in the usual way; and where such seizure shall consist of tobacco or spirits, the commissioners of customs may allow to such seizor or other persons such further reward as they see fit, not exceeding in any case the sum of five pounds.

Reward to officers for seizures in Channel Islands.

SMUGGLING.

Restrictions on Small Craft.

AS TO THE RESTRICTIONS ON SMALL CRAFT, AND THE REGULATIONS FOR THE PREVENTION OF SMUGGLING.

Commissioners may make general regulations for vessels and boats not exceeding 100 tons.

169. The commissioners of customs may from time to time, by order under their hands, make such general regulations as they shall deem expedient in respect of vessels and boats not exceeding one hundred tons burden, for the purpose of prescribing, with reference to the tonnage, build, or description of such vessels or boats, the limits within which the same may be employed, the mode of navigation, the manner in which such vessels or boats shall be so employed, and, if armed, the number and description of arms, the quantity of ammunition, and such other terms, particulars, conditions, and restrictions as the said commissioners may think fit, and also from time to time may revoke, alter, or vary such regulations; and the general regulations made under any former Act, and in force at the time of the passing of this Act, shall remain and continue in force until altered, varied, or revoked.

Vessels and boats used contrary to regulations forfeited.

170. Every ship or boat which shall be used or employed in any manner contrary to the regulations prescribed by the commissioners of customs shall be liable to forfeiture, unless the same shall have been specially licensed by the commissioners of customs to be so used or employed, as next herein-after provided.(1)

Commissioners of customs may grant special licenses on terms.

171. The commissioners of customs may, if they shall so think fit, grant licenses in respect of any vessels or boats not exceeding one hundred tons burden, upon such terms and conditions and subject to such restrictions and stipulations as in such licenses mentioned, notwithstanding any general regulations made in pursuance of this Act, whether the said regulations shall be revoked or not; and if any vessel or boat so

(1) *See* the Sea Fisheries Act, 1868 (31 & 32 Vict. c. 45.), s. 18., p. 441, *ante*, as amended by the Sea Fisheries Act, 1883 (46 & 47 Vict. c. 22.), s. 27., p. 653, *post*.

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SMUGGLING.

licensed shall not comply with the conditions imposed by or expressed in any such license, or if such vessel or boat shall be found without having such license on board, such vessel or boat shall be forfeited.

Vessels made use of in removal of uncustomed or prohibited goods forfeited.

172. If any vessel or boat shall be used in the importation, landing, removal, carriage, or conveyance of any uncustomed or prohibited goods, the same shall be forfeited, and the owner and the master of every such vessel or boat shall each forfeit and pay a penalty equal to the value of such vessel or boat, not in any case exceeding five hundred pounds.

Commissioners may revoke licenses.

173. The commissioners of customs may revoke, alter, or vary any license or licenses granted under any former Act, or which may hereafter be granted under this or any other Act relating to the customs.

Regulations to extend to Channel Islands.

174. All the regulations which shall be so made by the commissioners of customs relating to vessels and boats, and the power to grant, revoke, or vary such licenses, shall extend to the Channel Islands.

Boats of vessel to have thereon the name of vessel, port, and master.

175. The owner of every ship belonging wholly or in part to any of her Majesty's subjects shall paint or cause to be painted upon the outside of the stern of every boat belonging to such ship the name of such ship and the port or place to which she belongs, and the master's name withinside the transom, in white or yellow Roman letters, not less than two inches in length, on a black ground, on pain of the forfeiture of every such boat not so marked, wherever the same shall be found.

Boats not belonging to ships to have name of owner and port thereon.

176. The owner of every vessel or boat, whether decked, partially decked, or open, not being of the burden of one hundred tons, and not belonging to any ship, shall paint or cause to be painted upon the outside of the stern of such boat in white or yellow Roman letters, of not less than two inches in length, on a black ground, the name of the owner of the boat and the port or place to which she belongs, on pain of the forfeiture of such boat not so marked, wherever the same shall be found.(1)

Goods unshipped without payment of duty and prohibited goods liable to forfeiture.

177. If any goods liable to the payment of duties shall be unshipped from any ship or boat in the United Kingdom (customs or other duties not being first paid or secured), or if any prohibited goods whatsoever shall be imported or brought into any part of the United Kingdom; or if any goods shall be removed from any ship, quay, wharf, or other place, previously to the examination thereof by the proper officer of customs, or being entered to be warehoused shall be carried into the ware-

(1) This section does not apply to any British sea fishing boat entered or registered in pursuance of Sea Fisheries Act, 1868 (31 & 32 Vict. c. 45.), ss. 22., 23., 24., 26. (p. 442, *ante*), *see* Sea Fisheries Act, 1883 (46 & 47 Vict. c. 22.), s. 8., p. 646, *post*.

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Smuggling.

house, unless under the care or authority of such officer and in such manner and by such roads or ways and within such time as he shall direct; or if any goods entered to be warehoused, after the landing thereof, shall be removed or withdrawn from any quay, wharf, or other place in the United Kingdom, so that no sufficient account is taken thereof by the proper officer, or so that the same are not duly warehoused; or if any goods whatever which shall have been warehoused or otherwise secured in the United Kingdom, either for home consumption or exportation, or shall have been delivered from any warehouse or other place without payment of duty for removal to any other warehouse or place, shall be clandestinely or illegally removed from or out of any warehouse or place of security, or shall not be duly delivered at the place at which such goods were destined to be removed; or if any goods which are prohibited to be exported shall be put on board any ship or boat with intent to be laden or shipped for exportation, or shall be brought to any quay, wharf, or other place in the United Kingdom in order to be put on board any ship for the purpose of being exported; or if any goods which are prohibited to be exported shall be found in any package produced to any officer of customs as containing goods not so prohibited; or if any goods subject to any duty or restriction in respect of importation, or which are prohibited to be imported into the United Kingdom, shall be found or discovered to have been concealed in any manner on board any ship or boat within the limits of any port of the United Kingdom, or shall be found either before or after landing to have been concealed in any manner on board any such ship or boat, within such limits as aforesaid; then and in every of the foregoing cases all such goods shall be forfeited, together with any goods which shall be found packed with or used in concealing them.

Goods illegally removed from warehouse.

Prohibited goods shipped or water-borne with intent to be exported, &c.

Goods concealed on board, and goods packed therewith, forfeited.

Restricted goods to be deemed run.

178. All goods the importation of which is in any way restricted, which are of a description admissible to duty, and which shall be found or seized in the United Kingdom under the Customs Acts, shall, for the purpose of proceeding for the forfeiture of them or for any penalty incurred in respect of them, be deemed and taken to be, on the trial or hearing thereof, goods liable to and unshipped without payment of duties, unless the contrary be proved.

Any vessel or boat arriving within the United Kingdom or the Channel Islands, or within three leagues thereof, having prohibited goods on board or attached thereto, forfeited.

179. If any ship or boat shall be found or discovered to have been within any port, bay, harbour, river, or creek of the United Kingdom or the Channel Islands, or within three leagues of the coast thereof if belonging wholly or in part to British subjects, or having half the persons on board subjects of her Majesty, or within one league if not British, having false bulkheads, false bows, double sides or bottom, or any secret or disguised place adapted for concealing goods, or any hole, tube, pipe, or device adapted for running goods, or having on board or in any manner attached thereto, or having had on board or in any manner attached thereto, or conveying or having conveyed in any

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SMUGGLING.

manner any spirits, tobacco, or snuff, in packages of any size and character in which they are prohibited to be imported into the United Kingdom or the Channel Islands, or any spirits or tobacco or snuff imported contrary to the Customs Acts, or any tobacco stalks, tobacco stalk flour, or snuff work, or which shall be found or discovered to have been within three leagues of any part of the coast of the United Kingdom from which any part of the lading of such ship or boat shall be or have been thrown overboard, or on board which any goods shall be or have been staved or destroyed to prevent seizure, every such ship or boat, together with any such spirits, tobacco, or snuff, tobacco stalks, tobacco stalk flour, or snuff work, and all packages, casks, or other vessels containing the same, and everything packed therein, and also any cordage or other articles adapted and prepared for slinging or sinking small casks, or any casks or other vessels whatsoever of less size or content than twenty gallons of the description used for the smuggling of spirits found on board, shall be forfeited; and every person who shall be found or discovered to have been on board any ship or boat liable to forfeiture as aforesaid, within three leagues of the coast if a British subject, or within one league if a foreigner, or on board any vessel in her Majesty's service, or on board any foreign post office packet employed in carrying mails between any foreign country and the United Kingdom having on board any spirits or tobacco in such packages as aforesaid, or any tobacco stalks, tobacco stalk flour, or snuff work, shall forfeit a sum not exceeding one hundred pounds; and every such person may be detained and taken before any justice, to be dealt with as herein-after directed; provided that no person shall be detained whilst actually on board any vessel in the service of a foreign state or country.

Prohibited goods shipped or water-borne with intent to be exported, &c.

Persons found or discovered to have been on board vessels with contraband goods may be detained.

Ships belonging to her Majesty's subjects, &c. throwing overboard any goods during chase forfeited, and persons escaping deemed British subjects.

180. If any ship or boat belonging wholly or in part to her Majesty's subjects, or having one half of the persons on board subjects of her Majesty, shall not bring to upon signal made by any vessel or boat in her Majesty's service or in the service of the revenue, by hoisting the proper pendant and ensign, whereupon chase shall be given, and any person on board such ship or boat shall, during chase or before such ship or boat shall bring to, throw overboard any part of her lading, or shall stave or destroy any part thereof to prevent seizure, such ship or boat shall be forfeited; and all persons escaping from any such ship or boat during chase shall be deemed subjects of her Majesty, unless the contrary be proved.

Ships not bringing to when required to, penalty 20*l.*

181. If any ship or boat liable to seizure or examination under the Customs Act shall not bring to when required so to do, the master of such ship or boat shall forfeit the sum of twenty pounds; and on such ship or boat being chased by any vessel or boat in her Majesty's navy, having the proper pendant and ensign of her Majesty's ships hoisted, or by any vessel or boat duly employed for the prevention of smuggling, having a proper

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pendant and ensign hoisted, it shall be lawful for the captain, master, or other person having the charge or command of such vessel or boat in her Majesty's navy, or employed as aforesaid (first causing a gun to be fired as a signal), to fire at or into such ship or boat, and such captain, master, or other person acting in his aid or by his direction shall be and is hereby indemnified and discharged from any indictment, penalty, action, or other proceeding for so doing. SMUGGLING. Not bringing to, may be fired into.

182. Any officer of customs or other person duly employed for the prevention of smuggling may go on board any ship or boat which shall be within the limits of any port of the United Kingdom or the Channel Islands, and rummage and search the cabin and all other parts of such ship or boat for prohibited or uncustomed goods, and remain on board such ship or boat so long as she shall continue within the limits of such port. Ships may be searched within the limits of the ports.

183. If any ship or boat whatever shall be found within the limits of any port of the United Kingdom with a cargo on board, and such ship or boat shall afterwards be found light or in ballast, and the master is unable to give a due account of the port or place within the United Kingdom where such ship or boat shall have legally discharged her cargo, such ship or boat shall be forfeited. Ships in port with a cargo, and afterwards found light or in ballast, and cargo unaccounted for, forfeited.

[**184.**(1) Any officer of customs or other person duly employed in the prevention of smuggling may search any person on board any ship or boat within the limits of any port in the United Kingdom or the Channel Islands, or any person who shall have landed from any ship or boat, provided such officer or other person duly employed as aforesaid shall have good reason to suppose that such person is carrying or has any uncustomed or prohibited goods about his person. Persons may be searched if officers have reason to suspect smuggled goods are concealed upon them.

A person shall be guilty of an offence—

(1.) If he staves, breaks, or destroys any goods to prevent the seizure thereof by an officer of customs or other person authorized to seize the same. Rescuing goods.

(2.) If he rescues, or staves, breaks or destroys to prevent the securing thereof any goods seized by an officer of customs or other person authorized to seize the same.

(3.) If he rescues any person apprehended for any offence punishable by fine or imprisonment under the Customs Acts. Rescuing persons.

(4.) If he prevents the apprehension of any such person.

(5.) If he assaults or obstructs any officer of customs, or any officer of the army, navy, marines, coast guard, or other person duly employed for the prevention of smuggling, going, remaining, or returning from on Assaulting or obstructing officers.

(1) This section as printed is substituted for the original section by 44 & 45 Vict. c. 12. s. 13.

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SMUGGLING.

board a ship or boat within the limits of any port in the United Kingdom or the Channel Islands, or in searching such a ship or boat, or in searching a person who has landed from any such ship or boat, or in seizing any goods liable to forfeiture under the Customs Acts, or otherwise acting in the execution of his duty.

Attempting the foregoing offences.

(6.) If he attempts or endeavours to commit, or aids, abets, or assists in the commission of any of the offences mentioned in this section.

Penalty.

And a person so offending shall for each such offence forfeit the penalty of not exceeding one hundred pounds, and he may either be detained or proceeded against by information and summons.]

Persons before search may require to be taken before a justice or officer of customs.

185. Before any person shall be searched he may require to to be taken with all reasonable despatch before a justice, or before the collector or other superior officer of customs, who shall, if he see no reasonable cause for search, discharge such person, but if otherwise, direct that he be searched, and if a female she shall not be searched by any other than a female; but if any officer shall without reasonable ground cause any person to be searched, such officer shall forfeit and pay a sum not exceeding ten pounds. If any passenger or other person on board any such ship or boat, or who may have landed from any such ship or boat, shall, upon being questioned by any officer of customs or other person duly employed for the prevention of smuggling whether he has any foreign goods upon his person or in his possession or in his baggage, deny the same, and any such goods shall after such denial be discovered to be or to have been upon his person or in his possession or in his baggage, such goods shall be forfeited, and such person shall forfeit one hundred pounds, or treble the value of such goods, at the election of the commissioners of customs.

Penalty on officers for misconduct.

Penalty on persons denying having foreign goods about them.

Illegally importing.

186. Every person who shall import or bring, or be concerned in importing or bringing into the United Kingdom any prohibited goods or any goods the importation of which is restricted, contrary to such prohibition or restriction, whether the same be unshipped or not; or shall unship or assist or be otherwise concerned in the unshipping of any goods which are prohibited, or of any goods which are restricted and imported contrary to such restriction, or of any goods liable to duty, the duties for which have not been paid or secured; or shall deliver, remove, or withdraw from any ship, quay, wharf, or other place previous to the examination thereof by the proper officer of customs, unless under the care or authority of such officer, any goods imported into the United Kingdom or any goods entered to be warehoused after the landing thereof, so that no sufficient account is taken thereof by the proper officer, or so that the same are not duly warehoused; or shall carry into the warehouse any goods entered to be warehoused or to be re-warehoused, except with the

Unshipping.

Removing from quay, wharf, &c.

Carrying goods into warehouse without authority.

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authority or under the care of the proper officer of the customs, and in such manner, by such persons, within such time, and by such roads or ways as such officer shall direct; or shall assist or be otherwise concerned in the illegal removal or withdrawal of any goods from any warehouse or place of security in which they shall have been deposited; or shall knowingly harbour, keep, or conceal, or knowingly permit or suffer, or cause or procure to be harboured, kept, or concealed, any prohibited, restricted, or uncustomed goods, or any goods which shall have been illegally removed without payment of duty from any warehouse or place of security in which they may have been deposited; or shall knowingly acquire possession of any such goods; or shall be in any way knowingly concerned in carrying, removing, depositing, concealing, or in any manner dealing with any such goods with intent to defraud her Majesty of any duties due thereon, or to evade any prohibition or restriction of or applicable to such goods; or shall be in any way knowingly concerned in any fraudulent evasion or attempt at evasion of any duties of customs, or of the laws and restrictions of the customs relating to the importation, unshipping, landing, and delivery of goods, or otherwise contrary to the Customs Acts; shall for each such offence forfeit either treble the value of the goods, including the duty payable thereon, or one hundred pounds, at the election of the commissioners of customs; and the offender may either be detained or proceeded against by summons.

Smuggling.
Removing from warehouse.
Harbouring.
Carrying.
Evading duties of customs.
Penalty treble value, or 100*l.*

* * * * * * *

[**188.**(1) All persons to the number of three or more who shall assemble for the purpose of unshipping, landing, running, carrying, concealing, or having so assembled shall unship, land, run, carry, convey, or conceal any spirits, tobacco, or any prohibited, restricted, or uncustomed goods, shall each forfeit a penalty not exceeding five hundred pounds nor less than one hundred pounds.]

Penalty for assembling to run goods.

189. Every person who shall by any means procure or hire, or shall depute or authorise any other person to procure or hire, any person or persons to assemble for the purpose of being concerned in the landing or unshipping, or carrying, conveying, or concealing any goods which are prohibited to be imported, or the duties for which have not been paid or secured, shall be imprisoned for any term not exceeding twelve months; and if any person engaged in the commission of any of the above offences be armed with firearms or other offensive weapons, or whether so armed or not be disguised in any way, or being so armed or disguised shall be found with any goods liable to forfeiture under the Customs Acts within five miles of the seacoast or of any tidal river, shall be imprisoned with or without hard labour for any term not exceeding three years.

Procuring or hiring persons to assemble to run goods.
Persons armed or disguised.
With goods within five miles of coast.

(1) This section as printed is substituted for the original section by 42 & 43 Vict. c. 21. s. 14.

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Smuggling.

Persons signalling smuggling vessels may be detained and forfeit 100*l.*, or be kept to hard labour for one year.

190. No person shall, after sunset and before sunrise between the twenty-first day of September and the first day of April, or after the hour of eight in the evening and before the hour of six in the morning at any other time of the year, make, aid, or assist in making any signal in or on board or from any ship or boat, or on or from any part of the coast or shore of the United Kingdom, or within six miles of any part of such coast or shore, for the purpose of giving notice to any person on board any smuggling ship or boat, whether any person so on board of such ship or boat be or not within distance to notice any such signal; and if any person, contrary to the Customs Acts, shall make or cause to be made, or aid or assist in making, any such signal, he shall be guilty of a misdemeanor, and may be stopped, arrested, detained, and conveyed before any justice, who, if he see cause, shall commit the offender to the next county gaol, there to remain until delivered by due course of law; and it shall not be necessary to prove on any indictment or information in such case that any ship or boat was actually on the coast; and the offender, being duly convicted, shall, by order of the court before whom he shall be convicted, either forfeit the penalty of one hundred pounds, or, at the discretion of such court, be committed to a gaol or house of correction, there to be kept to hard labour for any term not exceeding one year.

Proof of a signal not being intended on defendant.

191. If any person be charged with having made or caused to be made, or for aiding or assisting in making, any such signal as aforesaid, the burden of proof that such signal so charged as having been made with intent and for the purpose of giving such notice as aforesaid was not made with such intent and for such purpose shall be upon the defendant against whom such charge is made.

Any person may prevent signals.

192. Any person whatsoever may prevent any signal being made as aforesaid, and may go upon any lands for that purpose, without being liable to any indictment, suit, or action for the same.

Persons shooting at boats belonging to navy or revenue service, guilty of felony.

193. If any person shall maliciously shoot at any vessel or boat belonging to her Majesty's navy, or in the service of the revenue, or shall maliciously shoot at, maim, or wound any officer of the army, navy, marines, or coastguard being duly employed in the prevention of smuggling and on full pay, or any officer of customs or excise, or any person acting in his aid or assistance, or duly employed for the prevention of smuggling, in the execution of his office or duty, every person so offending, and every person aiding, abetting, or assisting therein, shall, upon conviction, be adjudged guilty of felony, and shall be liable, at the discretion of the court, to penal servitude for any term not less than five years, or to be imprisoned for any term not exceeding three years.

Officers may haul their vessels on shore without

194. The officer in charge of any vessel or boat employed for the prevention of smuggling or acting in his aid may haul any such vessel or boat upon any part of the coasts of the United

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Kingdom, or the shores, banks, or beaches of any river, creek, or inlet of the same, (not being a garden or pleasure ground, or place ordinarily used for any bathing machine or machines,) which shall be deemed most convenient for that purpose, and moor any such vessel or boat on such part of the aforesaid coasts, shores, banks, and beaches below high-water mark, and over which the tide flows on ordinary occasions, and to continue such vessel or boat so moored as aforesaid for such time as he shall deem necessary and proper; and such officer, or person aiding him, shall not be liable to any indictment, action, or suit for so doing.

SMUGGLING. being liable to suit.

195. Every person who shall cut away, cast adrift, remove, alter, deface, sink, or destroy, or in any other way injure or conceal any vessel, boat, buoy, anchor, chain, rope, or mark in the charge of or used by any person for the prevention of smuggling, or in or for the use of the service of the customs, shall for every such offence forfeit the sum of ten pounds.

Penalty on persons cutting adrift vessels belonging to the customs.

196. Any officer of the army, navy, marines, or coastguard being duly employed for the prevention of smuggling and on full pay, or any officer of customs, or any person acting in his aid, or duly employed for the prevention of smuggling, when on duty, may patrol upon and pass freely along and over any part of the coasts of the United Kingdom, or any railway, or the shores or banks of any river, creek, or inlet of the same (not being a garden or pleasure ground); and any such officer or person so patrolling shall not be liable to any indictment, action, or suit for so doing.

Officers of army, &c. may patrol coasts without being liable to suit.

197. Any person brought before any justice for any offence against the Customs Acts, in respect of which such justice is not empowered to proceed summarily, may by his order be detained in gaol or in the custody of the police or constabulary force a reasonable time to obtain the order of the commissioners of customs or inland revenue, and to prepare the necessary information and warrant of commitment, and at the expiration of such time to be brought before him or any other justice to hear and determine the matter; or if any information shall have been preferred before any justice against any person for any such offence, and it shall be made to appear to such justice that such person is likely to abscond, such justice may, in lieu of issuing a summons for his appearance, grant his warrant to bring such offender before him or any other justice at a time and place to be named in such warrant for the hearing of such information, but such person may be liberated, on giving security to the satisfaction of such justice in such sum as he may see fit, to appear at any time and place appointed by such justice for hearing the case.

Where persons are taken before justices for offences under the Customs Acts, such justices may order them to be detained or admitted to bail.

198. Where any person, being part of the crew of any ship in her Majesty's employment or service, shall have been detained under the Customs Acts, such person, upon notice thereof to the

Persons in her Majesty's service detained to be

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secured on board until warrant procured.

commanding officer of the ship, shall be placed in security by such commanding officer on board such ship or vessel, until required to be brought before a justice to be dealt with according to law, for which purpose such commanding officer shall deliver him to the detaining officer.

Any person escaping may afterwards be detained.

199. If any person liable to be detained under the Customs Acts shall not be detained at the time of committing the offence, or being detained shall escape, he may afterwards be detained at any place in the United Kingdom within three years from the time such offence was committed, and if detained may be taken before any justice to be dealt with as if he had been detained at the time of committing such offence, or if not so detained may be proceeded against by information and summons.

Only officers to take up spirits in casks sunk or floating upon the sea, and persons giving information may be rewarded.

200. If any person not being an officer of the navy, customs, or excise shall intermeddle with or take up any spirits being in casks of less content than twenty gallons found floating upon or sunk in the sea, such spirits shall be forfeited, together with any vessel or boat in which they may be found; but if any person shall give information to any such officer so that seizure of such spirits may be made, he shall be entitled to such reward as the commissioners of customs may direct.

Penalty for offering goods for sale on pretence of being smuggled.

201. If any person shall offer for sale any goods under pretence that the same are prohibited, or have been unshipped and run ashore without payment of duties, all such goods (although not liable to any duties or prohibited) shall be forfeited, and every person so offering the same for sale shall forfeit treble the value of such goods.

Ships, &c. used in the removal of raw goods to be forfeited.

Ships, boats, &c. and persons may be detained.

202. All ships, boats, carriages, or other conveyances, together with all horses and other animals and things made use of in the importation, landing, removal, or conveyance of any uncustomed, prohibited, restricted, or other goods liable to forfeiture under the Customs Acts shall be forfeited, and all ships, boats, goods, carriages, or other conveyances, together with all horses and other animals and things liable to forfeiture, and all persons liable to be detained for any offence under the Customs Acts, or any other Act whereby officers of customs are authorised to seize or detain persons, goods, or other things, shall or may be seized or detained in any place either upon land or water by any of the following persons, being duly employed for the prevention of smuggling, that is to say, any officer of her Majesty's army, navy, marines, coastguard, customs, or excise, or by any person having authority from the commissioners of customs or inland revenue to seize, or by any constable or police officer of any county, city, or borough in the United Kingdom so employed with the sanction of the magistrates having jurisdiction therein, or under or by virtue of any Act in relation thereto; and all ships, boats, goods, carriages, or other conveyances, together with all horses and other animals and things so seized,

Seizures to be taken to the nearest custom house.

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shall forthwith be delivered into the care of the collector or other proper officer of customs at the nearest custom house; and the forfeiture of any ship, boat, carriage, animal, or other things shall be deemed to include the tackle, apparel, and furniture thereof, and the forfeiture of any goods shall be deemed to include the package in which the same are found and all the contents thereof.

Officers of customs may on probable cause stop carts, &c., and search for goods.

203. Any officers of customs, excise, coastguard, constabulary, police, or other person duly employed for the prevention of smuggling, may upon reasonable suspicion or probable cause stop and examine any cart, waggon, or other conveyance, to ascertain whether any smuggled goods are contained therein; and if none shall be found the officer or other person shall not on account of such stoppage and examination be liable to any prosecution or action at law on account thereof, and any person driving or conducting such cart, waggon, or other conveyance refusing to stop or allow such examination when required in the Queen's name, shall forfeit not less than twenty nor more than one hundred pounds.

Officers authorised by writ of assistance or warrant may search houses for uncustomed or prohibited goods.

204. All writs of assistance issued from the Court of Exchequer or other proper court shall continue in force during the reign for which they were granted and for six months afterwards; and any officer of customs or person acting under the direction of the commissioners of customs having such writ of assistance or any warrant issued by a justice of the peace may, in the daytime, enter into and search any house, shop, cellar, warehouse, room, or other place, and in case of resistance, break open doors, chests, trunks, and other packages, and seize and bring away any uncustomed or prohibited goods, and put and secure the same in the Queen's warehouse, and may take with him any constable or police officer, who may act as well without as within the limits of the district or place for which he shall have been sworn or appointed.

Officers may search premises by warrant granted on reasonable cause shown.

205. If any officer of customs shall have reasonable cause to suspect that any uncustomed or prohibited goods are harboured, kept, or concealed in any house or other place either in the United Kingdom or the Channel Islands, and it shall be made to appear by information on oath before any justice of the peace in the United Kingdom or the Channel Islands, it shall be lawful for such justice, by special warrant under his hand, to authorise such officer to enter and search such house or other place, and to seize and carry away any such uncustomed or prohibited goods as may be found therein; and it shall be lawful for such officer, and he is hereby authorised, in case of resistance, to break open any door, and to force and remove any other impediment or obstruction to such entry, search, or seizure as aforesaid; and such officer may if he see fit avail himself of the service of any constable or police officer to aid and assist in the execution of

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such warrant, and any constable or other police officer is hereby required when so called upon to aid and assist accordingly.

Goods stopped by police officers may be retained until trial of persons charged with stealing them.

206. If any such goods liable to duties of customs, or prohibited to be imported, or in any way restricted, shall be stopped or taken by any police officer on suspicion that the same had been feloniously stolen, he may carry the same to the police office to which the offender if detained is taken, there to remain until and in order to be produced at the trial of such offender, and in such case the officer is required to give notice in writing to the commissioners of customs of such stoppage or detention, with the particulars of the goods, but immediately after such stoppage if the offender be not detained, or if detained immediately after the trial of such offender, such officer shall convey to and deposit the goods in the nearest customs warehouse, to be proceeded against according to law; and if any police officer so detaining any such goods shall neglect to convey the same to such warehouse, or to give the notice herein-before prescribed, he shall forfeit a sum not exceeding twenty pounds.

Notice to be given by seizing officer to owner of ships or goods seized, and seizures to be claimed within one month.

207. Whenever any seizure shall be made, unless in the possession or in the presence of the offender, master, or owner as forfeited under the Customs Acts or under any Act by which customs officers are empowered to make seizures, the seizing officer shall give notice in writing of such seizure and of the grounds thereof to the master or owner of the things seized, if known, either by delivering the same to him personally or by letter addressed to him and transmitted by post to or delivered at his last known place of abode or business, if known; and all seizures made under the Customs Acts or under any Act by which customs officers are empowered to make seizures shall be deemed and taken to be condemned, and may be sold or otherwise disposed of in such manner as the commissioners of customs may direct, unless the person from whom such seizure shall have been made, or the master or owner thereof, or some person authorised by him, shall, within one calendar month from the day of seizure, give notice in writing, if in London, to the person seizing the same, or to the secretary or solicitor for the customs, and if elsewhere, to the person seizing the same, or to the collector or other chief officer of the customs at the nearest port, that he claims the things so seized or intends to claim them, whereupon proceedings shall be taken for the forfeiture and condemnation thereof either by information filed in the Exchequer division of the High Court of Justice in England on the revenue side, or exhibited before any justice of the peace; but if any things so seized shall be of a perishable nature, or consist of horses or other animals, the same may by direction of the commissioners of customs be sold, and the proceeds thereof retained to abide the result of any claim that may legally be made in respect thereof.

Perishable goods, &c. may be sold.

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Seizures may be disposed of as commissioners of customs direct.

208. All seizures whatsoever which shall have been made and condemned under the Customs Acts or any other Act by which seizures are authorised to be made by officers of customs shall be disposed of in such manner as the commissioners of customs may direct.

Seizures may be restored and punishments mitigated.

209. When any seizure shall have been made, or any fine or penalty incurred or inflicted, or any person committed to prison for any offence under the Customs Acts, the commissioners of the Treasury or customs may direct the restoration of such seizure, whether condemnation shall have taken place or not, or waive proceedings, or mitigate or remit such fine or penalty, or release from confinement either before or after conviction such person on any terms and conditions as they shall see fit.

Compensation and Rewards.

As to Compensation and Rewards.

Officers wounded to be provided for, &c.

210. If any officer or seaman employed in the service of the customs or inland revenue shall be killed, maimed, wounded, or in any way injured in the due execution of his office, or if any person acting in his aid or duly employed for the prevention of smuggling shall be so killed, maimed, wounded, or in any way injured while so aiding such officer or seaman or so employed, the commissioners of customs or inland revenue respectively may, with the sanction of the commissioners of the Treasury, make such provision for such officer or person, or for the widows and families of such as shall be killed, as they may see fit.

Rewards for detaining smugglers.

211. The commissioners of customs may award to any officer or any person detaining any person liable to detention under the Customs Acts, if convicted, such reward as they may think fit, not exceeding the sum of twenty pounds for each person.

Rewards out of penalties.

212. The commissioners of customs may order such reward as they see fit out of any pecuniary penalty or composition to any officer or other person by whose means the same is recovered.

Rewards to officers making seizures.

The Treasury or commissioners of customs to fix the value of spirits and tobacco.

213. The commissioners of customs may order to be paid in respect of any seizure made under the Customs Acts, to the person or persons making the same, such rewards as they may see fit, not exceeding the value of the goods or things so seized, and for this purpose the value of spirits and tobacco seized as aforesaid shall be deemed and taken to be such as the lords of the Treasury or the commissioners of customs may think fit.

How value is to be ascertained.

214. In all cases where any penalty the amount of which is to be determined by the value of any goods is directed to be sued for under any Act relating to the customs or excise, such value shall, as regards proceedings in any court or before justices, be estimated and taken according to the rate and price for which goods of the like kind but of the best quality upon which the duties of importation shall have been paid were sold at or about the time of the offence, or according to the rate and price for which the like sort of goods were sold in bond at or about the

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time of the offence, with the duties due thereon added to such rate or price in bond, except as to tobacco stalks, tobacco stalk flour, and stalk-work, or any tobacco of a kind prohibited to be imported, the value of which shall, for the purpose of any suit or proceeding under this or any Act relating to the customs, be estimated at the market price of the best sort of tobacco, with the highest rate of duty then chargeable on the importation of manufactured tobacco added thereto.

All rewards and seizures payable to officers of army, navy, or marines to be regulated by order in council.

215. Every reward or share of any seizure or of the value thereof payable to any officer or officers, non-commissioned officers, petty officers, seamen, or privates of her Majesty's army, navy, or marines, or acting under the orders of the lord high admiral or commissioners of the Admiralty, shall be divided and distributed in such proportions, and according to such rules, regulations, and orders, as her Majesty shall by her order or orders in council or by her royal proclamation in that behalf be pleased to direct and appoint.

Commissioners may distribute officers shares of seizure so as to reward persons not actually present.

216. The commissioners of customs or inland revenue respectively may, in case of any seizure of ships, boats, or goods, or of the apprehension of any parties, under this or any other Act relating to the customs, direct the distribution of the seizor's share of such ships, boats, or goods, or of any penalties or rewards that may be recovered on account of any seizure so that any other person through whose information or means such seizure shall have been made or penalty recovered or party apprehended, and who may by them be deemed to be so entitled, may participate in such proportions as the said commissioners shall respectively deem expedient.

Collusive Seizures.

As to Collusive Seizures.

Penalty on officers and persons making collusive seizures, or taking bribes, and on persons offering them.

217. If any officer of customs or other person duly employed for the prevention of smuggling shall make any collusive seizure, or deliver up, or make any agreement to deliver up or not to seize any vessel or boat or any goods liable to forfeiture, or shall take any bribe, gratuity, recompense, or reward for the neglect or non-performance of his duty, or conspire or connive with any person to import or bring into the United Kingdom or the Channel Islands or any of the British possessions abroad, or be in any way concerned in the importation or bringing into the United Kingdom or the said islands or possessions, of any goods prohibited to be imported or liable to duties of customs, for the purpose of seizing any ship, boat, or goods, and obtaining any reward for such seizure or otherwise, every such officer or other person shall forfeit for every such offence the sum of five hundred pounds, and be rendered incapable of serving her Majesty in any office, either civil, naval, or military; and every person who shall give or offer, or promise to give or procure to be given, any bribe, recompense, or reward to, or shall make any collusive agreement with, any such officer or person as aforesaid to induce

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him in any way to neglect his duty, or to do, conceal, or connive at any act whereby any of the provisions of any Act of Parliament relating to the customs may be evaded, shall forfeit the sum of two hundred pounds.

LEGAL PROCEEDINGS.

Actions against Officers.

As to Actions against Officers of Customs.(1)

One month's notice of action to officer before process.

268. No action or suit shall be commenced against any officer of the army, navy, marines, coastguard, customs, excise, police, or other person acting for or under the direction of the commissioners of customs, or duly employed in the prevention of smuggling, for anything done in the execution of or by reason of his office, until one month next after notice in writing shall have been delivered to him or left at his usual place of abode by the attorney or agent of the plaintiff, in which notice shall be clearly stated the cause of action, the name and place of abode of the plaintiff, and the name and place of abode or business of such attorney or agent, and the attorney or agent mentioned in such notice shall not be entitled to more than ten shillings for preparing and serving such notice; and if any action or suit shall be commenced against any such officer or other person, and no such notice shall have been given, such officer or other person may call upon the plaintiff to establish to the satisfaction of the court, on affidavits on both sides, that such action or suit is brought for some act, matter, or thing not done in the execution of or by reason of his office, or whilst on duty as such officer, and if the plaintiff shall fail so to satisfy the court, such action or suit shall discontinue: Provided always, that if the plaintiff shall so satisfy the court, he shall not be allowed on the trial of such action to give evidence of any cause of action other than such as shall have been disclosed in his said affidavit.

Evidence limited to subject in notice.

269. Upon the trial of any action brought in pursuance of such notice the plaintiff shall not be entitled to a verdict without proving on the trial that such notice had been duly served, in default whereof the defendant shall receive a verdict, with costs, nor shall the plaintiff be at liberty to produce evidence of any cause of action, except such as has been distinctly stated in such notice.

Officer may tender amends.

270. It shall be lawful for any such officer or other such person to whom such notice shall be given, at any time within one month after service thereof, to tender amends to the plaintiff, or his agent or attorney, and in case such amends be not accepted to plead such tender in bar of the action, together with the plea of "not guilty," and other pleas, with leave of the court, where such leave must be obtained pursuant to "The Common Law "Procedure Act, 1852;" and if upon the trial of such action the jury shall find the amends so tendered sufficient, they shall

(1) Extended to sea fishery officer, Sea Fisheries Act, 1883 (46 & 47 Vict. c. 22.), s. 14., p. 649, *post*.

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LEGAL PROCEEDINGS.

give a verdict for the defendant, and in such case, or in case the plaintiff shall be nonsuited or discontinue his action, or in case judgment be given for such defendant on demurrer, then such defendant shall be entitled to the like costs as he would have been entitled to if he had pleaded the general issue only; but if upon issue joined the jury shall find that no amends were tendered, or that the same were insufficient, or shall find against the defendant on such plea or pleas, they shall give a verdict for the plaintiff, and such damages as they shall think proper, together with costs of suit.

Officer omitting to tender amends may pay money into court.

271. In case any officer or other such person shall neglect to tender amends, or shall not have tendered sufficient amends, before the action brought, it shall be lawful for him, by leave of the court in which such action shall be brought, at any time before the trial of the action, to pay into court a sum of money by way of amends, to abide the usual practice in such cases.

Actions against officers to be brought within one month after cause arises.

272. Every action against any officer of customs or other such person shall be commenced within one month after the cause of action shall have arisen; but if such action be brought in respect of any seizure made by such officer or other such person, the month shall be computed from the day of seizure, unless it shall within that time become the subject of an information for the condemnation thereof, in which case the cause of action shall not be deemed to have arisen until the day after the trial of such information, and the venue in such action shall be laid in the county or place where the cause thereof is alleged to have occurred; and the defendant may plead the general issue, and give the special matter in evidence on the trial thereof; and if the plaintiff shall be nonsuited or discontinue, or if upon a verdict or demurrer judgment shall be given against him, the defendant shall be entitled to costs, and have such remedy for the recovery thereof as any other defendant now has in other cases where costs are legally recoverable.

Solicitors clerks and officers of customs may conduct cases.

273. Any person appointed to be solicitor or assistant solicitor of her Majesty's customs, or any clerk duly appointed to act on his behalf or under his or their directions, shall and may in any case relating to the customs, or under the direction of the commissioners of her Majesty's Treasury or customs, act as counsel, solicitor, attorney-at-law, advocate, or writer to the signet in the prosecution, conduct, or defence of any such case in any court, jurisdiction, or place in which such case may be instituted, and any such solicitor, assistant solicitor, or clerk, and any officer of customs, under the order and directions of the commissioners of customs, may prosecute, defend, or conduct any proceeding before any justice in any matter relating to the customs to be heard or determined by him.

Defendants in customs cases to have

274. Any writer to the signet, solicitor before the supreme courts in Scotland, or solicitor at law duly licensed to practise

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as an agent in the courts of session and justiciary in Scotland, who shall be retained by any defendant at the suit of the Crown for any offence against the laws relating to the customs, shall be competent to undertake the defence of such defendant, and to instruct counsel for that purpose; and any such defendant who may not have retained any such agent shall be entitled to be heard by his counsel on any trial for such offence, although such defendant may have previously appeared to answer such suit in person instead of appearing by agent.

Legal Proceedings. choice of attorney and counsel in Scotland.

As to the Isle of Man.

Isle of Man.

277. The Isle of Man shall be deemed and taken to be part of the United Kingdom for all the purposes of the Customs Acts; but nothin herein contained shall prejudice or affect, or be construed in any way, directly or indirectly, to prejudice or affect, any of the rights or privileges legally exercised or enjoyed by the said isle at the time of the passing of this Act.

Isle of Man deemed part of United Kingdom for customs purposes.

Miscellaneous Matters.

Miscellaneous.

As to the Interpretation of Terms used in this Act.

284. For the purposes of this or any other Act relating to the customs and in construing the same, the following terms, when not inconsistent with the context or subject-matter, shall have the several meanings, and include the several matters and things herein-after prescribed and assigned to them; that is to say,

Interpretation of terms.

"Attorney general" shall include solicitor general, attorney general in the Isle of Man, procureur, or other chief law officer of the Crown in any of her Majesty's possessions abroad where there is no attorney general.

"British possession" shall mean and include colony, plantation, island, territory, or settlement belonging to her Majesty.

"Channel Islands" shall mean the islands of Guernsey, Jersey, Alderney, and Sark, and their respective dependencies.

"Commissioners of the Treasury" shall mean the Lords Commissioners of her Majesty's Treasury.

"County" shall mean and include any city, county of a city, county of a town, borough, or other magisterial jurisdiction where such construction is not inconsistent with the context.

"Customs Acts" shall mean and include this and all or any other Acts or Act relating to the customs.

"Exporter of goods for which no bond is required" shall include and apply to the person subscribing the declaration required at the foot of the specification, forms No. 8 and No. 9, or manifest in lieu thereof, as the case may be.

"Drawback" shall include bounty.

"Gaoler" shall mean and include any governor or keeper of her Majesty's prisons.

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MISCELLANEOUS.

"Her Majesty" shall mean her Majesty, her heirs and successors.

"Importer" shall mean, include, and apply to any owner or other person for the time being possessed of or beneficially interested in any goods at and from the time of the importation thereof until the same are duly delivered out of the charge of the officers of commons.

"Justice" shall mean and include justice of the peace, county court judge, recorder, sheriff depute, governor, deputy-governor, lieutenant-governor, bailiff, chief magistrate, deemster, jurat, and any other magistrate in the United Kingdom and the Channel Islands.

"Master" shall mean the person having or taking the charge or command of any ship.

"Official import lists and official export lists" shall mean any lists which are now or shall from time to time be issued under the authority of the commissioners of the Treasury or customs, prescribing the denominations, descriptions, and quantity by tale, weight, measure, value, or otherwise, by which articles of merchandise shall be required to be entered on their importation into or exportation from the United Kingdom.

"Proper officer of inland revenue" in the fourth section of the Act of the thirty-seventh and thirty-eighth years of her Majesty's reign shall mean "proper officer of customs."

"Queen's warehouse" shall mean any place provided by the Crown or approved by the commissioners of customs for the deposit of goods for security thereof and of the duties due thereon.

"Warehouse" shall mean any place in which goods entered to be warehoused may be lodged, kept, and secured.

Commencement of Act.

290. This Act shall come into operation on the day of the passing of this Act, and in citing it in other Acts of Parliament and in legal instruments it shall be sufficient to use the expression "The Customs Consolidation Act, 1876."

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39 & 40 Victoria.—A.D. 1876.

CAP. XLVI.

An Act for more effectually punishing Offences against the Laws relating to the Slave Trade.(1)

[11th August 1876.]

32 & 33 Vict. c. 98.

WHEREAS under an Act passed in the session holden in the thirty-second and thirty-third years of the reign of her

(1) As to slave trade *see* Slave Trade Act, 1824, 5 Geo. 4. c. 113., p. 42, *ante*, 6 & 7 Vict. c. 98., p. 111, *ante*, and Slave Trade Act, 1873, 36 & 37 Vict. c. 88., p. 550, *ante*.

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present Majesty, the governor general of India in council is empowered to make laws for native Indian subjects of her Majesty without and beyond British India:

And whereas under an Act passed in the session holden in the twenty-eighth and twenty-ninth years of the reign of her present Majesty, the governor general of India in council is empowered to make laws for all British subjects of her Majesty within the dominions of princes and states in India in alliance with her Majesty whether in the service of the government of India or otherwise: 28 & 29 Vict. c. 17.

And whereas the several princes and states in India in alliance with her Majesty have no connexions, engagements, or communications with foreign powers, and the subjects of such princes and states are, when residing or being in the places herein-after referred to, entitled to the protection of the British government, and receive such protection equally with the subjects of her Majesty:

And whereas it is expedient to make provision for more effectually punishing offences against the laws relating to the slave trade by British subjects and other persons protected by the British government in such places:

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Certain offenders on high seas punished as though offence committed in India.

1. If any person, being a subject of her Majesty or of any prince or state in India in alliance with her Majesty, shall, upon the high seas or in any part of Asia or Africa which her Majesty may from time to time think fit to specify by any order in council in this behalf, commit any of the offences defined in sections 367, 370, and 371 (in the schedule to this Act respectively recited) of Act 45 of 1860, passed by the governor general of India in council and called "The Indian Penal Code," or abet within the meaning of the fifth chapter of the said penal code the commission of any such offence, such person shall be dealt with, in respect of such offence or abetment, as if the same had been committed in any place within British India in which he may be or may be found.

Sect. 1 may be made to apply to future amendments of this Act.

2. If the governor general of India in council shall, at a meeting for making laws and regulations, amend the provisions of the said sections 367, 370, and 371 of the said penal code, or any of them, or the said fifth chapter thereof so far as relates to the abetment of any of the offences forbidden by such sections, or make any further provision for preventing or suppressing the making, buying, or selling of slaves or any of the offences comprised in the said three sections, the secretary of state for India shall, unless her Majesty has disallowed such amendment or further provision, lay a copy of the amending Act before each house of Parliament, and after the same shall have lain on the table of both houses of Parliament for the space of forty days,

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it shall be lawful for her Majesty, unless either house of Parliament shall present an address to her Majesty to the contrary, to direct by order in council that the provisions of the first section of this Act shall apply to the law so amended or enlarged, and the same shall be applicable accordingly.

Powers of high court for purpose of obtaining evidence.

3. For the purpose of obtaining evidence of the commission of the offences made punishable by this Act or any Act of Parliament relating to slavery or the slave trade, every high court in India shall have, as respects the persons in the first section of this Act referred to, and as respects any British colony, settlement, plantation, or territory, wherein any witness may be, the same powers as are conferred on the Court of Queen's Bench by the fourth section of an Act made and passed in the session of Parliament holden in the sixth and seventh years of her Majesty's reign, chapter ninety-eight, with respect to such British colonies, settlements, plantations, and territories as are therein referred to.

And every high court may, if it thinks fit, issue such commission as is mentioned in section 330 of Act 10 of 1872, passed by the governor general of India in council, and called "The Code "of Criminal Procedure," to any consular officer of her Majesty in the parts of Asia or Africa specified in any order of her Majesty in council under section 1 of this Act, or to any political officer or agent of the governor general of India in council or of any Indian government in the said parts or in the dominions of any prince or state in India in alliance with her Majesty, or to any magistrate in her Majesty's Indian dominions.

And the depositions taken by virtue of the said powers or under such commission shall be deemed by every court of original or appellate jurisdiction in India in any trial or proceeding under this Act or any Act of Parliament relating to slavery or the slave trade to be as good and competent evidence as if the witnesses deposing had been present and examined viva voce and had made oath or affirmation as required by law.

Subjects of certain Indian princes made amenable to certain orders in council.

4. And whereas by certain orders of her Majesty in council made by virtue of an Act made and passed in the session of Parliament holden in the sixth and seventh years of her Majesty's reign, chapter ninety-four, which orders are dated respectively the ninth August one thousand eight hundred and sixty-six and the fourth November one thousand eight hundred and sixty-seven, it is ordered that the provisions of such orders relating to British subjects shall extend and apply to all subjects of her Majesty, whether by birth or by naturalisation, and also to all persons enjoying her Majesty's protection in the several dominions mentioned in such orders respectively:

It is hereby declared and enacted that for the purposes of the said orders in council, and of any orders in council which her Majesty may hereafter think fit to make by virtue of the said Act of the sixth and seventh years of her Majesty's reign, chapter

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ninety-four, all subjects of the several princes and states in India in alliance with her Majesty, residing and being in the several dominions comprised in such orders respectively, are and shall be deemed to be persons enjoying her Majesty's protection therein.

Saving powers of governor general.

5. Nothing in this Act shall be deemed to restrict the legislative power which the governor general of India in council possesses at meetings for the purpose of making laws and regulations.

Not to affect orders made under 6 & 7 Vict. c. 94.

6. Save as aforesaid, nothing in this Act shall be deemed to affect any order made or to be made by her Majesty in council by virtue of the said Act of the sixth and seventh years of her Majesty, chapter ninety-four.

SCHEDULE.

S. 367 of the Indian Penal Code.—Whoever kidnaps or abducts any person, in order that such person may be subjected or may be so disposed of as to be put in danger of being subjected to grievous hurt, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to a fine.

S. 370.—Whoever imports, exports, removes, buys, sells, or disposes of, any person as a slave, or accepts, receives, or detains against his will any person as a slave, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to a fine.

S. 371.—Whoever habitually imports, exports, removes, buys, sells, traffics, or deals in slaves, shall be punished with transportation for life, or with imprisonment of either description for a term not exceeding ten years, and shall also be liable to a fine.

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39 & 40 Victoria.—A.D. 1876.

CAP. LIX.

An Act for amending the Law in respect of the Appellate Jurisdiction of the House of Lords; and for other purposes. [11th August 1876.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title.

1. This Act may be cited for all purposes as "The Appellate Jurisdiction Act, 1876."

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Amendment of Act.

Appointment of vice-admiral, judge, and officers of vice-admiralty court.

23. Whereas by "The Vice-Admiralty Courts Act, 1863,"(1) it is enacted, that "nothing in this Act contained shall be taken "to affect the power of the Admiralty to appoint any vice-"admiral, or any judge, registrar, marshal, or other officer of "any vice-admiralty court, as heretofore, by warrant from the "Admiralty, and by letters patent issued under the seal of the "High Court of Admiralty of England:"

And whereas since the commencement of the Supreme Court of Judicature Acts, 1873 and 1875, doubts have arisen with respect to the exercise of the said power of the Admiralty, and it is expedient to remove such doubts: Be it therefore enacted as follows:

Any power of the Admiralty to appoint or cancel the appointment of a vice-admiral, or a judge, registrar, marshal, or other officer of a vice-admiralty court, may, after the passing of this Act, be exercised by some writing under the hands of the Admiralty, and the seal of the office of Admiralty, and in such form as the Admiralty from time to time direct.

Every appointment so made shall have the same effect, and every vice-admiral, judge, registrar, marshal, and other officer so appointed shall have the same jurisdiction, power, and authority, and be subject to the same obligation, as if he had been appointed before the commencement of the Supreme Court of Judicature Acts, 1873 and 1875, under the seal of the High Court of Admiralty of England.

"Admiralty" in this section means the lord high admiral, or the commissioners for executing his office, or any two of such commissioners.

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39 & 40 Victoria.—A.D. 1876.

CAP. LXXVIII.

An Act to amend the Procedure connected with Trial by Jury in Ireland. [15th August 1876.]

WHEREAS it is expedient to amend the procedure connected with trial by jury in Ireland:

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Juries Procedure (Ireland) Act, 1876."

Exemption from serving on juries.

20. * * * * * * * the persons described in the first schedule to this Act annexed shall be absolutely freed and exempted from being returned, and from serving on any jury, inquest, or inquiry in any court or on any occasion whatsoever;

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(1) *See* 26 & 27 Vict. c. 24. s. 7., p. 332, *ante*.

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and the names of such persons shall not be inserted in any jurors lists or jurors books to be prepared after the first day of July one thousand eight hundred and seventy-six by virtue of the Juries (Ireland) Acts: Provided that no verdict or trial shall be invalid or impeached on the ground that any person so exempted was sworn and served upon the jury which found such verdict at such trial.(1)

FIRST SCHEDULE.

EXEMPTION from serving on JURIES.

Peers.

Members of Parliament.

Clergymen in holy orders and other persons who shall teach or preach in any religious congregation, and who do not follow any secular occupation except that of schoolmaster.

Persons holding any paid, judicial, or other office belonging to any court of justice in Ireland.

Persons of the following professions actually practising:—

Barristers-at-law.

Attorneys and solicitors.

Licensed medical practitioners.

Apothecaries duly certified.

Pharmaceutical chymists duly registered.

Civil engineers.

Public notaries and actuaries entitled to grant statutable certificates.

Professors, schoolmasters, or teachers, in any college, academy, or school.

Persons holding any public office under her Majesty's government, or any public department, or under any local authority, and paid from taxes, general or local.

Persons licensed to sell intoxicating liquors by retail to be consumed on the premises where such premises shall be rated at a net annual value of less than fifteen pounds a year.

Masters of vessels and duly licensed pilots.

Persons who cannot read and write the English language, or who from lunacy, imbecility of mind, deafness, blindness, or other permanent infirmity are unfit to serve as jurors.

And persons heretofore exempted by virtue of any prescription, charter, grant, writ, or local Act of Parliament.

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39 & 40 Victoria.—A.D. 1876.

CAP. LXXX.

An Act to amend the Merchant Shipping Acts.

[15th August 1876.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and

(1) *See*, as to Scotland, 6 Geo. 4. c. 22. s. 2., p. 49, *ante*, and as to England, 33 & 34 Vict. c. 77. s. 9., and Schedule, p. 482, *ante*.

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temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title.

1. This Act may be cited as the Merchant Shipping Act, 1876.

Construction of Act.

2. This Act shall be construed as one with the Merchant Shipping Act, 1854, and the Acts amending the same; and the said Acts and this Act may be cited collectively as the Merchant Shipping Acts, 1854 to 1876.

Commencement of Act.

3. This Act shall come into operation on the first day of October 1876 (which day is in this Act referred to as the commencement of this Act).

Miscellaneous.

Enforcing detention of ship.

34. Where under the Merchant Shipping Acts, 1854 to 1876, or any of them, a ship is authorised or ordered to be detained, any commissioned officer on full pay in the naval or military service of her Majesty, or any officer of the Board of Trade or customs or any British consular officer may detain the ship, and if the ship after such detention or after service on the master of any notice of or order for such detention proceeds to sea before it is released by competent authority, the master of the ship, and also the owner, and any person who sends the ship to sea, if such owner or person be party or privy to the offence, shall forfeit and pay to her Majesty a penalty not exceeding one hundred pounds.

Where a ship so proceeding to sea takes to sea when on board thereof in the execution of his duty any officer authorised to detain the ship, or any surveyor or officer of the Board of Trade or customs, the owner and master of the ship shall each be liable to pay all expenses of and incidental to the officer or surveyor being so taken to sea, and also a penalty not exceeding one hundred pounds, or, if the offence is not prosecuted in a summary manner, not exceeding ten pounds for ever day until the officer or surveyor returns, or until such time as would enable him after leaving the ship to return to the port from which he is taken, and such expenses may be recovered in like manuer as the penalty.

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40 & 41 Victoria.—A.D. 1877.

CAP. XVI.

An Act to facilitate the removal of Wrecks obstructing Navigation. [28th June 1877.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and

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temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Removal of Wrecks Act, 1877. Short title.

2. This Act shall not apply to ships belonging to her Majesty. Application of Act.

3. In this Act,— Interpretation of terms.

The term "harbour" includes harbours properly so called, whether natural or artificial, estuaries, navigable rivers, piers, jetties, and other works in or at which ships can obtain shelter, or ship and unship goods or passengers;

The term "tidal water" means any part of the sea and any part of a river within the ebb and flow of the tide at ordinary spring tides, and not being a harbour;

The term "harbour authority" includes all persons or bodies of persons, corporate or unincorporate, being proprietors of, or intrusted with the duty or invested with the power of constructing, improving, managing, regulating, maintaining, or lighting a harbour;

The term "conservancy authority" includes all persons or bodies of persons, corporate or unincorporate, intrusted with the duty or invested with the power of conserving, maintaining, or improving the navigation of a tidal water; and

The term "general lighthouse authority" has the same meaning as it has in the Merchant Shipping Act, 1854.(1) 17 & 18 Vict. c. 104.

4. Where any vessel is sunk, stranded, or abandoned in any harbour or tidal water under the jurisdiction of a harbour or conservancy authority, or in or near any approach thereto, in such manner as in the opinion of the authority to be, or be likely to become, an obstruction or danger to navigation in that harbour or water, or in any approach thereto, the authority may take possession of and raise, remove, or destroy the whole or any part of the vessel, and may light or buoy any such vessel or part until the raising, removal, or destruction thereof, and may sell, in such manner as they think fit, any vessel or part so raised or removed, and also any other property recovered in the exercise of their powers under this Act, and may out of the proceeds of such sale reimburse themselves for the expenses incurred by Power for harbour or conservancy authority to remove wreck.

(1) *See* 17 & 18 Vict. c. 104. s. 389., according to which the term general lighthouse authority means—

(1.) The Trinity House in England, Wales, and the Islands of Jersey, Guernsey, Sark, Alderney, and the adjacent seas and islands, and in Heligoland and Gibraltar.

(2.) The Commissioners of Northern Lighthouses in Scotland, and the adjacent seas and islands, and in the Isle of Man.

(3.) The Port of Dublin Corporation in Ireland, and the adjacent seas and islands.

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them under this Act, and shall hold the surplus, if any, of such proceeds in trust for the persons entitled thereto.

Provided as follows:

(1.) Except in the case of property which is of a perishable nature, or which would deteriorate in value by delay, a sale shall not be made under this Act until at least seven clear days notice of the intended sale has been given by advertisement in some local newspaper circulating in or near the district over which the authority have jurisdiction; and

(2.) At any time before any property is sold under this Act, the owner thereof shall be entitled to have the same delivered to him on payment to the authority of the fair market value thereof, to be ascertained by agreement between the authority and the owner, or failing such agreement by some person to be named for the purpose by the Board of Trade, and the sum paid to the authority as the value of any property under this provision shall, for the purposes of this Act, be deemed to be the proceeds of sale of that property.

Power for general lighthouse authority to remove wreck.

5. Where any vessel is sunk, stranded, or abandoned in any fairway, or on the sea-shore, in the United Kingdom, the Channel Islands, or the Isle of Man, or any of the adjacent seas or islands, and there is not any harbour or conservancy authority having power to raise, remove, or destroy the same, the general lighthouse authority for that part of the United Kingdom in or near which the vessel is situate shall, if in their opinion the same is or is likely to become an obstruction or danger to navigation, have the same powers in relation thereto as are by this Act conferred upon a harbour or conservancy authority.

All expenses incurred by the general lighthouse authority under this Act, and not reimbursed in manner provided by this Act, shall be paid out of the mercantile marine fund.

Powers of removal to extend to tackle, cargo, &c.

6. The provisions of this Act shall apply to every article or thing or collection of things being or forming part of the tackle, equipments, cargo, stores, or ballast of a vessel in the same manner as if it were included in the term "vessel," and for the purposes of this Act any proceeds of sale arising from a vessel and from the cargo thereof, or any other property recovered therefrom, shall be regarded as a common fund.

Power for Board of Trade to determine certain questions between authorities.

7. If any question arises between a harbour or conservancy authority on the one hand and a general lighthouse authority on the other hand, as to their respective powers under this Act in relation to any place being in or near an approach to a harbour or tidal water, the same shall, on the application of either authority, be referred to the decision of the Board of Trade, and that decision shall be final.

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8. The powers conferred by this Act shall be deemed to be in addition to and not in derogation of any other powers for the like object. Powers of Act cumulative.

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41 & 42 Victoria.—A.D. 1878.

CAP. LXXIII.

An Act to regulate the Law relating to the Trial of Offences committed on the Sea within a certain distance of the Coasts of her Majesty's dominions.

[16th August 1878.]

WHEREAS the rightful jurisdiction of her Majesty, her heirs and successors, extends and has always extended over the open seas adjacent to the coasts of the United Kingdom and of all other parts of her Majesty's dominions to such a distance as is necessary for the defence and security of such dominions:

And whereas it is expedient that all offences committed on the open sea within a certain distance of the coasts of the United Kingdom and of all other parts of her Majesty's dominions, by whomsoever committed, should be dealt with according to law:

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Territorial Waters Jurisdiction Act, 1878. Short title.

2. An offence committed by a person, whether he is or is not a subject of her Majesty, on the open sea within the territorial waters of her Majesty's dominions, is an offence within the jurisdiction of the admiral, although it may have been committed on board or by means of a foreign ship, and the person who committed such offence may be arrested, tried, and punished accordingly. Amendment of the law as to the jurisdiction of the admiral.

3. Proceedings for the trial and punishment of a person who is not a subject of her Majesty, and who is charged with any such offence as is declared by this Act to be within the jurisdiction of the admiral, shall not be instituted in any court of the United Kingdom, except with the consent of one of her Majesty's principal secretaries of state, and on his certificate that the institution of such proceedings is in his opinion expedient, and shall not be instituted in any of the dominions of her Majesty out of the United Kingdom, except with the leave of the governor of the part of the dominions in which such proceedings are proposed to be instituted, and on his certificate that it is expedient that such proceedings should be instituted. Restriction on institution of proceedings for punishment of offence.

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Provision as to proceedure.

4. On the trial of any person who is not a subject of her Majesty for an offence declared by this Act to be within the jurisdiction of the admiral, it shall not be necessary to aver in any indictment or information on such trial that such consent or certificate of the secretary of state or governor as is required by this Act has been given, and the fact of the same having been given shall be presumed unless disputed by the defendant at the trial; and the production of a document purporting to be signed by one of her Majesty's principal secretaries of state as respects the United Kingdom, and by the governor as respects any other part of her Majesty's dominions, and containing such consent and certificate, shall be sufficient evidence for all the purposes of this Act of the consent and certificate required by this Act.

Proceedings before a justice of the peace or other magistrate previous to the committal of an offender for trial or to the determination of the justice or magistrate that the offender is to be put upon his trial shall not be deemed proceedings for the trial of the offence committed by such offender for the purposes of the said consent and certificate under this Act.

Saving as to jurisdiction.

5. Nothing in this Act contained shall be construed to be in derogation of any rightful jurisdiction of her Majesty, her heirs or successors, under the law of nations, or to affect or prejudice any jurisdiction conferred by Act of Parliament or now by law existing in relation to foreign ships or in relation to persons on board such ships.

Saving as to piracy.

6. This Act shall not prejudice or affect the trial in manner heretofore in use of any act of piracy as defined by the law of nations, or affect or prejudice any law relating thereto; and where any act of piracy as defined by the law of nations is also any such offence as is declared by this Act to be within the jurisdiction of the admiral, such offence may be tried in pursuance of this Act, or in pursuance of any other Act of Parliament, law, or custom relating thereto.

Definitions.

7. In this Act, unless there is something inconsistent in the context, the following expressions shall respectively have the meanings herein-after assigned to them; that is to say,

"Jurisdiction of the Admiral:"

"The jurisdiction of the admiral," as used in this Act, includes the jurisdiction of the Admiralty of England and Ireland, or either of such jurisdictions as used in any Act of Parliament; and for the purpose of arresting any person charged with an offence declared by this Act to be within the jurisdiction of the admiral, the territorial waters adjacent to the United Kingdom, or any other part of her Majesty's dominions, shall be deemed to be within the jurisdiction of any judge, magistrate, or officer having power within such United Kingdom, or other part of her Majesty's dominions, to issue warrants for arresting or to arrest persons charged with offences committed within the jurisdiction of such judge, magistrate, or officer:

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"United Kingdom" includes the Isle of Man, the Channel Islands, and other adjacent islands: "United Kingdom:"

"The territorial waters of her Majesty's dominions," in reference to the sea, means such part of the sea adjacent to the coast of the United Kingdom, or the coast of some other part of her Majesty's dominions, as is deemed by international law to be within the territorial sovereignty of her Majesty; and for the purpose of any offence declared by this Act to be within the jurisdiction of the admiral, any part of the open sea within one marine league of the coast measured from low-water mark shall be deemed to be open sea within the territorial waters of her Majesty's dominions: "Territorial waters of her Majesty's dominions:"

"Governor," as respects India, means the governor general or the governor of any presidency; and where a British possession consists of several constituent colonies, means the governor general of the whole possession or the governor of any of the constituent colonies; and as respects any other British possession, means the officer for the time being administering the government of such possession; also any person acting for or in the capacity of governor shall be included under the term "governor:" "Governor:"

"Offence" as used in this Act means an act, neglect, or default of such a description as would, if committed within the body of a county in England be punishable on indictment according to the law of England for the time being in force: "Offence:"

"Ship" includes every description of ship, boat, or other floating craft: "Ship:"

"Foreign ship" means any ship which is not a British ship. "Foreign ship."

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42 & 43 Victoria.—A.D. 1879.

CAP. XXXVIII.

An Act to amend the Slave Trade (East African Courts) Act, 1873. [11th August 1879.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Slave Trade (East African Courts) Act, 1879. Short title and construction.

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36 & 37 Vict. c. 59.

This Act shall be construed as one with the Slave Trade (East African Courts) Act, 1873,(1) and that Act and this Act may be cited together as the Slave Trade (East African Courts) Acts, 1873 and 1879.

Amendment of 36 & 37 Vict. c. 59. s. 2. as to definition of East African Courts.

2. Whereas by section two(2) of the Slave Trade (East African Courts) Act, 1873, the term "East African courts" is defined to mean the vice-admiralty court at Aden, and any of her Majesty's consuls within the dominions of the sovereigns of Zanzibar, Muscat, and Madagascar, when exercising jurisdiction in pursuance of the orders in council recited in the said Act, and it is expedient to amend the said definition: Be it therefore enacted as follows:

36 & 37 Vict. c. 59.

In the Slave Trade (East African Courts) Act, 1873, the term "East African courts" shall mean the vice-admiralty court at Aden, and any of her Majesty's consular officers within the dominions of the sovereigns of Zanzibar, Muscat, and Madagascar on whom jurisdiction in relation to vessels captured on suspicion of being engaged in the slave trade, or otherwise in relation to the slave trade, has been conferred by an order in council, made whether before or after the passing of this Act.

Amendment of 36 & 37 Vict. c. 59. s. 7. as to treaties to which the Act applies.

3. Whereas by section seven(3) of the Slave Trade (East African Courts) Act, 1873, her Majesty is authorised by order in council to direct that a treaty in relation to the slave trade made by or on behalf of her Majesty with any of the foreign states therein mentioned in Arabia or Africa shall be deemed to be an existing East African slave trade treaty within the meaning of the above-mentioned Act:

And whereas doubts have arisen as to whether the said section applies to a treaty with the government of Egypt, and it is expedient to remove such doubts: Be it therefore enacted as follows:

A treaty in relation to the slave trade made either before or after the passing of this Act by or on behalf of her Majesty with the government of Egypt shall be deemed to be a treaty in relation to the slave trade to which section seven of the Slave Trade (East African Courts) Act, 1873, applies, and orders in council in relation to such treaty may be made accordingly in pursuance of the said section.

36 & 37 Vict. c. 59.

Amendment of 36 & 37 Vict. c. 59. s. 3. as to jurisdiction over British vessels.

4. Each of the East African courts shall have the same jurisdiction in regard to a British vessel seized on suspicion of being engaged in or fitted out for the slave trade, and to the persons, slaves, goods, and effects on board thereof, when the vessel, in pursuance of any existing East African slave trade treaty,(4) is

(1) *See* p. 528, *ante*. (2) *See* p. 529, *ante*. (3) *See* p. 531, *ante*.
(4) *See*, for meaning of East African slave trade treaty, 36 & 37 Vict. c. 59. s. 2., p. 530, *ante*.

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seized and brought for trial by the commander or officer of any ship belonging to the foreign state with whom such treaty is made, as such court would have if the vessel had been seized by the commander or officer of any of her Majesty's ships.(1)

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43 & 44 Victoria.—A.D. 1880.

CAP. XVI.

An Act to amend the Law relating to the Payment of Wages and Rating of Merchant Seamen.

[2nd August 1880.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short title and construction.

1. This Act may be cited as the Merchant Seamen (Payment of Wages and Rating) Act, 1880.

This Act shall be construed as one with the Merchant Shipping Acts, 1854 to 1876, and those Acts and this Act may be cited collectively as the Merchant Shipping Acts, 1854 to 1880.

17 & 18 Vict. c. 104, &c.

Power of court to rescind contract between owner or master and seaman or apprentice.

8. Where a proceeding is instituted in or before any court in relation to any dispute between an owner or master of a ship and a seaman or apprentice to the sea service, arising out of or incidental to their relation as such, or is instituted for the purpose of this section, the court, if, having regard to all the circumstances of the case, they think it just so to do, may rescind any contract between the owner or master and the seaman or apprentice, or any contract of apprenticeship, upon such terms as the court may think just, and this power shall be in addition to any other jurisdiction which the court can exercise independently of this section.

For the purposes of this section the term "court" includes any magistrate or justice having jurisdiction in the matter to which the proceeding relates.(2)

Desertion and absence without leave.

10. The following provisions shall from the commencement of this Act have operation within the United Kingdom:

A seaman or apprentice to the sea service shall not be liable to imprisonment for deserting or for neglecting or refusing without reasonable cause to join his ship or to proceed to sea in his

(1) *See* the Slave Trade (East African Courts) Act, 1873 (36 & 37 Vict. c. 59.), s. 3., p. 530, *ante*.

(2) *Semble*, the word also applies to a naval court, *see* the Merchant Shipping Act, 1854 (17 & 18 Vict. c. 104.), ss. 260.–266., p. 208, *ante*, and the Merchant Shipping Act Amendment Act, 1855 (18 & 19 Vict. c. 91.), s. 18., p. 238, *ante*.

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ship, or for absence without leave at any time within twenty-four hours of his ship's sailing from any port, or for absence at any time without leave and without sufficient reason from his ship or from his duty.

Whenever either at the commencement or during the progress of any voyage any seaman or apprentice neglects or refuses to join or deserts from or refuses to proceed to sea in any ship in which he is duly engaged to serve, or is found otherwise absenting himself therefrom without leave, the master or any mate, or the owner, ship's husband, or consignee may, with or without the assistance of the local police officers or constables, who are hereby directed to give the same, if required, convey him on board: Provided that if the seaman or apprentice so requires he shall first be taken before some court capable of taking cognizance of the matters to be dealt with according to law; and that if it appears to the court before which the case is brought that the seaman or apprentice has been conveyed on board or taken before the court on improper or insufficient grounds, the master, mate, owner, ship's husband, or consignee, as the case may be, shall incur a penalty not exceeding twenty pounds, but such penalty, if inflicted, shall be a bar to any action for false imprisonment.

If a seaman or apprentice to the sea service intends to absent himself from his ship or his duty, he may give notice of his intention, either to the owner or to the master of the ship, not less than forty-eight hours before the time at which he ought to be on board his ship; and in the event of such notice being given, the court shall not exercise any of the powers conferred on it by section two hundred and forty-seven of the Merchant Shipping Act, 1854.

17 & 18 Vict. c. 104.

Subject to the foregoing provision of this section, the powers conferred by section two hundred and forty-seven of the Merchant Shipping Act, 1854, may be exercised, notwithstanding the abolition of imprisonment for desertion and similar offences, and of apprehension without warrant,

17 & 18 Vict. c. 104.

Nothing in this section shall affect section two hundred and thirty-nine of the Merchant Shipping Act, 1854.

17 & 18 Vict. c. 104.

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44 & 45 Victoria.—A.D. 1881.

Cap. LVIII.

An Act to consolidate the Army Discipline and Regulation Act, 1879, and the subsequent Acts amending the same. [27th August 1881.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and

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temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary. *Preliminary.*

1. This Act may be cited for all purposes as the Army Act, 1881. Short title of Act.

2. This Act shall continue in force only for such time and subject to such provisions as may be specified in an annual Act of Parliament bringing into force or continuing the same. Mode of bringing Act into force.

91. (1) A secretary of state may, if he think proper, on account of a soldier's lunacy, cause any soldier of the regular forces on his discharge, and his wife and child, or any of them, to be sent to the parish or union to which under the statutes for the time being in force he appears, from the statements made in his attestation paper and other available information, to be chargeable; and such soldier, wife, or child, if delivered after reasonable notice, in England or Ireland at the workhouse in which persons settled in such parish or union are received, and in Scotland to the inspector of poor of such parish, shall be received by the master or other proper officer of such workhouse or such inspector of poor, as the case may be: Delivery of lunatic soldier on discharge with his wife or child at workhouse, or of dangerous lunatic at asylum.

(2.) Provided that a secretary of state, where it appears to him that any such soldier is a dangerous lunatic, and is in such a state of health as not to be liable to suffer bodily or mental injury by his removal, may, by order signified under his hand or under the hand of an under-secretary, send such lunatic direct to an asylum, registered hospital, licensed house, or other place in which pauper lunatics can legally be confined, and for the purpose of the said order the above-mentioned parish or union shall be deemed to be the parish or union from which such lunatic is sent.

(3.) In England the lunatic shall be sent to the asylum, hospital, house, or place to which a person in the workhouse aforesaid, on becoming a dangerous lunatic, can by law be removed, and an order of the secretary of state under this section shall be of the same effect as an order by a justice within the meaning of section seventy-two of the Act of the session of the sixteenth and seventeenth years of the reign of her present Majesty, chapter ninety-seven, intituled "An Act to consolidate " and amend the laws for the provision and regulation of lunatic " asylums for counties and boroughs, and for the maintenance " and care of pauper lunatics in England," and shall be subject accordingly to the provisions of that section.

(4.) The secretary of state, before making the said order in respect of a lunatic who is liable to be delivered to the inspector of poor of a parish in Scotland, may require the inspector of poor of that parish to specify the asylum to which such lunatic if in the parish would be sent, and it shall be the duty of such inspector forthwith to specify such asylum, and thereupon the

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secretary of state may make the said order for sending the lunatic to that asylum, and such order shall be of the same effect as an order by the sheriff within the meaning of section eighty-five of the Act of the session of the twentieth and twenty-first years of the reign of her present Majesty, chapter seventy-one, intituled "An Act for the regulation of, and care "and treatment of lunatics, and for the provision, maintenance, "and regulation of lunatic asylums in Scotland," and shall be subject accordingly to the provisions of that section.

(5.) In the case of any such lunatic, who is liable to be delivered at a workhouse in Ireland, at which persons settled in the said union are received, a secretary of state may, by order under his hand, send such soldier to the asylum of the district in which such union is situate, and such order shall be of the same effect as a warrant under the hands and seals of two justices given under the provisions of the tenth section of the Act of the session of the thirtieth and thirty-first years of the reign of her present Majesty, chapter one hundred and eighteen, intituled "An Act to provide for the appointment of the officers and "servants of district lunatic asylums in Ireland, and to alter "and amend the law relating to the custody of dangerous "lunatics and dangerous idiots in Ireland."(1)

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44 & 45 Victoria.—A.D. 1881.

CAP. *P.* clxxiv.

An Act to provide for the Conservancy of the River Medway, and for the Regulation, Management and Improvement thereof. [11th August 1881.]

WHEREAS the preservation and improvement of the River Medway is of great national importance:

May it therefore please your Majesty, that it may be enacted, and be it enacted, by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows (that is to say):—

Short title.

1. This Act may be cited for all purposes as the Medway Conservancy Act, 1881.

Incorporation of Acts.

2. The following enactments (as far as the same are applicable for the purposes of, and not varied by or inconsistent with, this Act) shall be incorporated with this Act (that is to say):—

10 & 11 Vict. c. 16.

The provisions of the Commissioners Clauses Act, 1847, with respect to the following matters:—

The contracts to be entered into and deeds to be executed by the commissioners:

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(1) This section is applied to persons in the naval service of her Majesty by Naval Enlistment Act, 1884 (47 & 48 Vict. c. 46.), s. 3., p. 675, *post*.

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The liabilities and legal proceedings by or against the commissioners:

The appointment and accountability of officers of the commissioners:

The mortgages to be executed by the commissioners:

The accounts to be kept by the commissioners:

Giving notices and orders, and

Access to the special Act:

The clauses in that Act being construed as if the expression "the conservators" had been inserted therein, instead of the expression "the commissioners:"

The provisions of the Railways Clauses Consolidation Act, 1845, with respect to the recovery of damages not specially provided for, and of penalties and the determination of any other matters referred to justices, the clauses in that Act being construed as if the expression "the conservators" had been inserted, instead of the expression "the company:" 8 & 9 Vict. c. 20.

The following provisions of the Harbours, Docks and Piers Clauses Act, 1847 (so far as the same are applicable to the rates and dues leviable by this Act) namely:— 10 & 11 Vict. c. 27.

Section 28 and sections 34 to 48, both inclusive (with respect to the collection and recovery of rates), the clauses in that Act being construed as if the word "conservators" had been inserted, instead of the expression "the undertakers," and as if the expression "within the limits of this or the special Act," had been inserted instead of the expression "within the limits of the harbour, dock or pier," and the expression "the special Act," in the provisions of that Act incorporated with this Act, shall mean and apply to this Act:

The Lands Clauses Consolidation Acts, 1845, 1860 and 1869, except so much and such parts of the Lands Clauses Consolidation Act, 1845, as relate to the purchase and taking of lands otherwise than by agreement, and to the entry upon lands by the promoters of the undertaking, and to the sale of superfluous land. And in construing the said Act the conservators of the river shall be deemed the promoters of the undertaking for which such lands are required. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 32 & 33 Vict. c. 18.

3. In this Act the following words, terms and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction (that is to say):— Interpretation of terms.

The word "person" shall include corporation:

The word "vessel" shall mean any ship, lighter, keel, barge, boat, wherry, raft or craft, or any other kind of vessel whatsoever, whether navigated by steam or otherwise; but shall not include any vessel belonging to the royal navy, or for the time being employed by any department of the government as a hired transport:

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The word "master," when used in relation to any such vessel, shall mean any person whether the owner, master or other person lawfully or wrongfully having or taking the command, charge or management of the vessel for the time being:

The word "ballast" shall include every kind of gravel, sand, chalk and soil, and every commodity or thing commonly used for the ballasting of vessels:

The words "the city" shall mean the city of Rochester:

The words "the corporation" shall mean the mayor, aldermen and citizens of the city:

The words "the local board" shall mean the local board of health for the district of Chatham Extra in the county of Kent:

The words "the conservators" shall mean the conservators of the river Medway incorporated by this Act:

The words "license of the conservators" shall mean a license under the seal of the conservators of the river Medway:

The words "permission of the conservators" shall mean permission in writing signed by the secretary of the conservators:

The word "shore" shall mean the shores of the river so far as the tide flows and reflows between high and low water marks at ordinary tides:

The word "goods" shall include all wares, merchandise and articles of every description:

The word "tolls" shall mean the rates or dues by this Act authorised:

The expression "electors" shall mean the persons entitled to vote in the election of conservators under this Act, and the expression "register of electors" shall mean the register of the names and addresses of the electors made in pursuance of this Act:

The word "wharf" shall include any bank, wall or building adjoining the river as herein-after defined, other than property belonging to her Majesty in right of her Crown, or vested in any body or persons for the public service:

The words "the Admiralty" shall mean the lord high admiral of the United Kingdom or the commissioners for executing the office of lord high admiral:

Words, terms and expressions to which meanings are assigned in enactments incorporated with this Act, or which have therein special meanings, have in this Act the same respective meanings, unless there be something in the meaning or context repugnant to such construction, and in this Act and for the purposes of this Act in any enactment incorporated with this Act the term "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which it is used was a simple contract debt, and not a debt or demand created by statute, and the term "superior court" shall include any court of competent jurisdiction.

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Application of Act to part of river Medway.

4. This Act shall apply to that part of the river Medway between an imaginary line drawn across the said river from Garrison Point, Sheerness, to Dolly Bank, and an imaginary line drawn at right angles across the said river from the stone at Hawkwood, in the parish of Burham, in the county of Kent, on which stone there is inscribed, "God Preserve the City of "Rochester. This Mayoralty Stone was erected in 1799, and "re-visited in 1824 and 1825," or to that effect, and all arms, creeks, streams and indraughts of the said river, on both sides thereof, as far as the waters of the said river flow, but excluding the harbour of Queenborough and West Swale, southwards of an imaginary straight line drawn from Minster Church tower, in the Isle of Sheppey, to Swale otherwise Queenborough Spit, and shown on the map or plan signed in duplicate by Sir Wilfrid Lawson, Bart., the chairman of the committee of the House of Commons, to whom the Bill for this Act was referred (one copy of which is deposited in the Private Bill Office of the House of Commons,) and all which part of the said river and arms, creeks, streams and indraughts constitute the limits and bounds of the said city of Rochester by water, and are in this Act referred to as and included in the expression "the river."

Two conservators to be appointed by the Admiralty.

9. Two conservators shall be appointed from time to time by the Admiralty, as by this Act provided, and such two conservators are in this Act referred to collectively as "admiralty conser- "vators," and each of them is referred to individually as an "admiralty conservator."

Works for the public service may be constructed without consent of conservators.

85. Notwithstanding anything in this Act to the contrary, it shall be lawful for her Majesty or for any person or body in trust for her Majesty, and for any department of her Majesty's government, at any time and from time to time, with the consent of the lords commissioners of the Admiralty, but without the consent of any other body or person, to construct, alter or vary any permanent or temporary work for the public service, or carry on any military or naval experiments or operations, whether in time of peace or war, anywhere on the bed, soil or foreshore of the river, nor shall any compensation in respect thereof be payable to the conservators or to the corporation by her Majesty, or by any person or body in trust for her Majesty or by her Majesty's government. The expression "works" within the meaning of this section, shall include moorings and other conveniences and appliances, the dredging of the river and the deposit within the river or foreshore of any substances or material.

No works affecting Crown property to be constructed without consent. 29 & 30 Vict. c. 62.

86. Notwithstanding anything in this Act to the contrary, no works whatsoever shall be constructed, altered or varied on the bed, soil or foreshore of the river in front of or immediately adjacent to any lands described in section twenty of the Crown Lands Act, 1866, or in front of any other lands or works belonging to the Crown, without the previous consent of the

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lords commissioners of the Admiralty, to be signified in writing under the hand of the secretary to the Admiralty. And no works other than works to be executed by the conservators shall be constructed, altered or varied elsewhere on the bed, soil or foreshore of the river without the previous consent of the Admiralty, to be signified in writing under the hand of the secretary to the Admiralty and of the conservators: Provided always that no works whatever shall be executed by the conservators which, in the opinion of the Admiralty, would injuriously affect the navigation of the river or the interest of her Majesty's service. If any works be constructed, altered or varied at any time, contrary to the provisions of this Act, the lords of the Admiralty and the conservators, or either of them, may enter upon, abate and remove the same, and restore the site as nearly as may be to its former condition, and the expenses of such abatement, removal and restoration shall be deemed to be a debt due to the Crown or to the conservators, as the case may be, from the person or persons by whom such works shall have been constructed, altered or varied and shall be recoverable accordingly.

Works, &c. to be approved by the Admiralty.

136. No works upon the bed or shores of the river below the high-water mark shall at any time be commenced or executed under the direction or with the sanction or permission of the conservators, without the same having been previously approved of by the Admiralty such approval to be from time to time signified in writing under the hand of the secretary to the Admiralty, or if such approval be not previously obtained without proper conditions being made to provide for the immediate removal of all such works upon notice from the Admiralty, under the hand of the said secretary requiring the same to be removed.

Admiralty may order local survey.

137. If at any time or times it shall be deemed expedient by the Admiralty to order a local survey and examination of any work upon the bed or shores of the river below high-water mark or of the intended site thereof, the conservators shall defray the costs of every such local survey and examination and the amount thereof shall be a debt due to her Majesty from the conservators as aforesaid, and if not paid upon demand, may be recovered as a debt due to the Crown, with the costs of suit, or may be recovered with costs as a penalty is, or may be recoverable under this Act.

Saving rights of owners of foreshore.

168. Nothing in this Act shall be deemed or construed to extend to prejudice or affect any right of property or title belonging to or any of the rights, privileges or powers vested in the owners of the foreshore of the river: Provided always, that no such right, privilege or power shall be exercised by such owners to the injury of the navigation of the river: Provided further that nothing herein contained shall be held to recognise or confirm any right, title or claim of any person to the fore-

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shore aforesaid; but the right and title to the said foreshore shall remain in the same state as if this Act had not passed.

Saving in respect of departmental property.

169. Nothing in this Act contained shall be deemed or construed to extend to prejudice or affect any right of property or title belonging to, or any of the rights privileges powers or authorities vested in or enjoyed by her Majesty, or by any person or body in trust for her Majesty, or by any department of her Majesty's government, or any officers of the same, for the public service in the dockyard port of Chatham and Sheerness, or in any foreshore, bed soil or other premises, or hereditaments, which may at any time be vested in or be in the possession of the Crown, or any department or office aforesaid.

Saving rights of her Majesty.

170. Nothing in this Act contained shall be deemed or construed to affect or prejudice any right, title, privileges power or authority of the Queen's most excellent Majesty, her heirs or successors, into or over the bed or soil of the river Medway, or the foreshores and shores thereof outside the limits of the city of Rochester by water.

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44 & 45 Victoria.—A.D. 1881.

CAP. P. ccxix.

An Act to make provision with respect to the Navigation of the Solent between the Isle of Wight and the Mainland in the county of Hants.

[27th August 1881.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as the Solent Navigation Act, 1881.

Interpretation of terms.

2. In this Act—

"The Admiralty" means the lord high admiral of the United Kingdom for the time being, or the commissioners for the time being for executing the office of lord high admiral:

"The Board of Trade" means the lords of the committee of Privy Council for the time being appointed for the consideration of matters relating to trade and foreign plantations:

"The Solent" means the Solent between the Isle of Wight and the mainland in the county of Hants, except so much thereof as is to the north of an imaginary right line connecting Calshot Castle with Hill Head;

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"Vessel" includes ship, yacht, boat, lighter, and craft of every kind, and whether navigated by steam or otherwise:

"Master," when used in relation to any vessel, means the person having the command or charge of the vessel for the time being.

Her Majesty by order in council may make regulations as to navigation of Solent.

3. Her Majesty by order in council may from time to time, on the joint recommendation of the Admiralty and the Board of Trade, make regulations defining any space within the radius of one half mile, measured—

(*a.*) From the north end of Ryde Pier;

(*b.*) From any part of the parade at West Cowes;

within which it shall not be lawful for vessels or for any particular description of vessels to lie or be moored (and any such space is in this Act referred to as a "prohibited space"). The Admiralty may, subject to such regulations, lay down or fix such buoys or marks as may in their opinion be necessary for indicating any such prohibited space, and may remove any buoys or marks which may in their opinion interfere with the indication of any such prohibited space.

Publication of regulations.

4. All regulations made by her Majesty by order in council shall be published in the London Gazette, and once in each of two consecutive weeks in some one or more newspapers circulating in the county of Hants, and in one or more newspapers circulating in the Isle of Wight; and the production of the Gazette in which any order in council containing any such regulation or any alteration therein or addition thereto, is published, shall be sufficient evidence of the due making of such regulation, order, alteration, or addition.

Penalty on master anchoring vessel within prohibited space.

5. If the master of any vessel suffer such vessel to lie or be moored within any prohibited space, such master or person shall be liable to a penalty not exceeding ten pounds; and in the case of a continuing offence to a further penalty of five pounds for every day after the day on which the first penalty is incurred that such vessel shall remain within such space.

Person authorised by Admiralty or Board of Trade may remove vessel out of prohibited space.

6. If any vessel lies or is moored within any prohibited space any person in that behalf authorised in writing by the Admiralty or by the Board of Trade may by notice require the master of such vessel to remove the same from such prohibited space, and if within six hours after the receipt of such notice such master refuse or fail to remove such vessel in accordance with such notice, or if the master of such vessel cannot be found, such person may remove such vessel to such place in the Solent (not being within a prohibited space) as he may select, and the expenses of such removal may be recovered by such persons from the owner or master of such vessel as if the same were a penalty incurred in respect of an offence under this Act.

Penalties may be recovered summarily.

7. Any penalty incurred in respect of any offence under the provisions of this Act may be recovered summarily, and the

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provisions of Part X. (Legal Procedure) of the Merchant Shipping Act, 1854, so far as they are applicable and are not inconsistent with this Act, shall extend and apply in the case of every such offence, and to any penalty and all proceedings in respect thereof. 17 & 18 Vict. c. 104.

8. If in any case of injury done within the Solent to or by any vessel by or to any other vessel it is proved to the court before which any legal proceedings are brought in respect of such injury that any regulation made by her Majesty by order in council under this Act, was immediately before or at the time of such injury infringed or contravened by either of such vessels, the vessel by which such regulation was so infringed or contravened shall be deemed to be in default, unless it is shown to the satisfaction of such court that the circumstances of the case made departure from the regulation necessary. Vessel infringing regulation to be deemed in default in case of injury.

9. Nothing in this Act contained shall prejudice, affect, or interfere with any of the rights, privileges, jurisdiction, or authority of the Corporation of the Trinity House of Deptford Strond. Saving rights of Trinity House.

10. All expenses from time to time incurred by the Admiralty in carrying into effect the provisions of this Act, and not otherwise provided for, shall be paid out of moneys to be provided by Parliament for such purposes, and all like expenses incurred by the Board of Trade shall be paid out of the mercantile marine fund. Payment of expenses of Admiralty and Board of Trade.

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45 & 46 Victoria.—A.D. 1882.

CAP. XXXII.

An Act for the acquisition of Property and the provision of new Buildings for the Admiralty and War Office.

[24th July 1882.]

WHEREAS it is expedient to provide fresh accommodation for the Admiralty and the War Office:

And whereas the lands required for the purposes of this Act cannot be acquired without the authority of Parliament:

And whereas duplicate plans (in this Act referred to as the "deposited plans") describing the situation of the said lands, with the houses and buildings thereon (in this Act referred to as the "prescribed lands"), with a book of reference thereto containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers thereof, have been deposited with the clerk of the peace for the county of Middlesex at his office at the Sessions House, Clerkenwell, and with the vestry clerk of the parish of Saint Martin's-in-the-Fields, in the said county of Middlesex, at the vestry hall of the said parish:

And whereas the prescribed lands are divisible into five classes:—(1) Lands vested in her Majesty as part of the here-

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ditary land revenues of the Crown, but subject to certain outstanding leases, estates, and interests, which lands are described in the First Schedule to this Act: (2) lands vested in her Majesty as part of the hereditary land revenues of the Crown, from which no rent is at the present time payable to her Majesty, which lands are described in the Second Schedule to this Act: (3) lands by the Act of the session of the second and third years of the reign of his late Majesty King William the Fourth, chapter forty, vested in the commissioners for executing the office of lord high admiral for the time being, and their successors in office, in trust for his said Majesty, his heirs and successors, for the public service, which lands are described in the Third Schedule to this Act: (4) lands freely and voluntarily and without valuable consideration granted in the year one thousand eight hundred and twenty-nine, in the reign of his late Majesty King George the Fourth, by the commissioners of woods to his Majesty's commissioners for building new churches, which said lands, subject to a lease of the vaults under Saint Matthew's Chapel, Spring Gardens, are vested in the vicar of the parish of Saint Martin-in-the-Fields, and are described in the Fourth Schedule to this Act: (5) lands belonging to private owners and described in the Fifth Schedule to this Act:

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Purposes of Act.

1. The purposes of this Act are the acquisition and appropriation of the prescribed lands for the improvement, enlargement, rebuilding, and concentration of the offices and buildings used as the Admiralty and War Office, and the constructing and doing such works and things as are conducive to the attainment of such purposes, or any of them, or incidental thereto.

Lands described in the First, Second, Third, and Fourth Schedules to vest in the commissioners of works.

2. The lands described in the First and Second Schedules to this Act shall, on and after the first day of January one thousand eight hundred and eighty-three, vest in the commissioners of her Majesty's works and public buildings (in this Act referred to as "the commissioners") and their successors and assigns, for all the estate and interest of her Majesty therein, but subject to any outlying leases, interests, or estates: Provided that any such leases, interests, or estates granted by or on behalf of her Majesty to the commissioners for executing the office of lord high admiral for the time being, and their successors in office, shall vest absolutely in the commissioners and their successors and assigns; and on and after such day as aforesaid the lands described in the Third Schedule to this Act shall vest in the commissioners, and their successors and assigns, for all the estate therein of the commissioners for executing the office of lord high admiral for the time being and their successors in office; and on and after the thirtieth day of June one thousand eight hundred and

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eighty-three the lands described in the Fourth Schedule hereto shall vest in the commissioners, and their successors and assigns, but subject to the said lease of the vaults under the said chapel.

Interpretation of terms.

22. In this Act—

"The Treasury" means the commissioners of her Majesty's Treasury:

"The commissioners of woods" means the commissioners of her Majesty's woods, forests, and land revenues:

"High court" means her Majesty's high court of justice in England.

Short title.

23. This Act may be cited as the Public Offices Site Act, 1882.

SCHEDULES referred to by the foregoing Act.

THE FIRST SCHEDULE.

No. on deposited Plan.	Description of Property.
	SPRING GARDENS.
57	House, offices, and yard, No. 16.
56	Mansion house, offices, garden, stable, yard, coach-houses, and stables, No. 18.
55	House and offices, No. 20.
54	House and offices, No. 22.
53	House and offices, No. 24.
52	House and offices, No. 26.
49	House, yard, and offices, No. 28.
48	House, yard, and offices, No. 30.
47	House, yard, and offices, No. 32.
46	House, yard, and offices, No. 34.
45	House, yard, and offices, No. 36.
44	House and offices, No. 38.
43	House, yard, and offices, No. 40.
42	House, yard, and offices, No. 42.
41	House, yard, and offices, No. 44.
40, 39, 38	House, offices, yard, and garden, No. 46, passage under footway, and ornamental garden ground.
22	House and offices, No. 45.
23	House and offices, No. 47.
25	House and offices, No. 51.
26	House and offices, No. 53.
27	House and offices, No. 55.
28	House and offices, No. 57.
29	House and offices, No. 59.

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THE FIRST SCHEDULE—*cont.*

No. on deposited Plan.	Description of Property.
30	House and offices, No. 61.
31	House and offices, No. 63.
32	House and offices, No. 65.
33	House and offices, No. 67.
34	House and offices, No. 69.
35	House and offices, No. 71.
36	House and offices, No. 73.
37	House, offices, and yard, No. 75.
	WHITEHALL.
Part 3	Part of the mansion house, offices, gardens, yards, and buildings known as the Admiralty.

THE SECOND SCHEDULE.

No. on deposited Plan.	Description of Property.
1	Forage barn of cavalry guard and engine house, Whitehall.
2	House and garden in Whitehall.
59	House and offices and forecourt in St. James's Park.
60	Dwelling-house, garden, out-buildings, stables, and forecourt in St. James's Park.
21	The site of Spring Gardens Mews.
61	Part of St. James's Park.
62	The site of passage-way leading from Spring Gardens to St. James's Park.
58	The site of steps and passage-way from Spring Gardens to St. James's Park.

THE THIRD SCHEDULE.

No. on deposited Plan.	Description of Property.
Part 3	Part of the mansion house, offices, gardens, yards, and buildings known as the Admiralty, Whitehall.
Part 4	Building in rear of houses Nos. 37 and 38, Charing Cross.
24	Two houses and offices, No. 49, Spring Gardens.

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45 & 46 Victoria.—A.D. 1882.

CAP. XLIV.

An Act to authorise the Commutation of a portion of a Pension in pursuance of the Pensions Commutation Act, 1871. [18th August 1882.]

WHEREAS by the Pensions Commutation Act, 1871,(1) the Treasury are authorised, on the application of any person to whom that Act applies, to commute his pension in the manner provided by that Act, and in accordance with the regulations from time to time made by the Treasury: 34 & 35 Vict. c. 36.

And whereas doubts have arisen as to the power of the Treasury under the said Act to commute a portion of a pension, and it is expedient to remove such doubts:

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Pensions Commutation Act, 1882. Short title.

2. This Act and the Pensions Commutation Acts, 1871 and 1876,(2) may be cited as the Pensions Commutation Acts, 1871 to 1882. 39 & 40 Vict. c. 73.

3. Where the Treasury have power, in pursuance of the Pensions Commutation Act, 1871, to commute the pension of any person, the Treasury shall also have power to commute a portion of such pension, and the provisions of the Pensions Commutation Acts, 1871 and 1876, shall apply accordingly to the portion of the pension in like manner, so nearly as circumstances admit, as they apply to the whole pension. Power to commute a portion of a pension under 34 & 35 Vict. c. 36.

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45 & 46 Victoria.—A.D. 1882.

CAP. L.

An Act for consolidating, with Amendments, enactments relating to Municipal Corporations in England and Wales. [18th August 1882.]

WHEREAS divers bodies corporate at sundry times have been constituted in the cities, towns, and boroughs of England and Wales, to the intent that the same might for ever be and remain well and quietly governed:

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and

(1) *See* 34 & 35 Vict. c. 36. s. 4., p. 500, *ante*.

(2) This Act refers solely to certain half-pay officers of army and to certain officers of telegraph company.

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temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Municipal Corporations Act, 1882.

PART XIII.

GENERAL.

Savings.

Savings.

Saving for military and naval officers, &c.

253. Nothing in this Act shall compel the acceptance of any office or duty whatever in any borough by any military, naval, or marine officer in her Majesty's service on full pay or half pay, or by any officer or other person employed and residing in any of her Majesty's dockyards, victualling establishments, arsenals, barracks, or other naval or military establishments.

Saving for dockyards, barracks, &c.

254. Nothing in this Act shall affect the watching, paving, or lighting, or the internal regulations for the government, of any of her Majesty's dockyards, victualling establishments, arsenals, barracks, or other naval or military establishments, or make the tenements therein or the inhabitants thereof liable to any rate for watching, paving, or lighting.

Saving as to Admiralty.

255. Nothing in this Act shall affect the authority of justices vested in the commissioners for executing the office of lord high admiral of the United Kingdom, or any authority to appoint coroners to act within the jurisdiction of the Admiralty.(1)

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46 & 47 Victoria.—A.D. 1883.

CAP. XXII.

An Act to carry into effect an International Convention concerning the Fisheries in the North Sea, and to amend the laws relating to British Sea Fisheries.(2)

[2nd August 1883.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title.

1. This Act may be cited as the Sea Fisheries Act, 1883.

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(1) *See* 2 & 3 Will. 4. c. 40. s. 5., p. 74, *ante*.

(2) *See* Sea Fisheries Act, 1868, 31 & 32 Vict. c. 45., p. 437, *ante*, and the Sea Fisheries (Scotland) Amendment Act, 1885, 48 & 49 Vict. c. 70., p. 687, *post*.

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Confirmation of Convention.

Confirmation of convention.

2. The convention set out in the first schedule to this Act (referred to in this Act as the convention) is hereby confirmed, and the articles thereof shall be of the same force as if they were enacted in the body of this Act.

Fishery Regulations.

Power to her Majesty, by orders in council, to make, &c. regulations for execution of Act and maintenance of order.

3. It shall be lawful for her Majesty from time to time, by order in council, to make, alter, and revoke regulations for carrying into execution this Act, and the intent and object thereof, and for the maintenance of good order among sea fishing boats, and the persons belonging thereto; and to impose fines not exceeding ten pounds for the breach of such regulations.

Punishment for violation of articles 13 to 22 of convention, and for other offences.

4. If within the exclusive fishery limits of the British Islands any person, or if outside those limits any person belonging to a British sea-fishing boat,

(*a.*) acts in contravention of articles thirteen to twenty-two(1) (both inclusive) of the first schedule to this Act, or any of them; or,

(*b.*) causes injury to any person in any one or more of the following ways, namely, by assaulting any one belonging to another sea-fishing boat, or by causing damage to another sea-fishing boat, or to any property on board thereof, or belonging thereto; or,

(*c.*) fishes for oysters or has on board his boat any oyster dredge within any seas and during any time within and during which oyster fishing is prohibited by law, or by any convention, treaty, or arrangement to which this Act may be hereafter applied;

such person shall be liable, on summary conviction, to a fine not exceeding fifty pounds, or, in the discretion of the court, to imprisonment for a term not exceeding three months, with or without hard labour.

Punishment for violation of article 23 of convention.

5. If within the exclusive fishery limits of the British Islands, any person, or if outside those limits any person belonging to a British sea-fishing boat,

(*a.*) Uses any instrument for the purpose of damaging or destroying, by cutting or otherwise, any fishing implement belonging to another sea-fishing boat, except in the cases provided for by articles twenty and twenty-one(2) of the first schedule to this Act; or,

(*b.*) Takes on board or has on board such boat any instrument serving only or intended to damage or destroy fishing implements, by cutting or otherwise;

such person shall be liable on summary conviction to a fine not exceeding fifty pounds, or in the discretion of the court to

(1) *See* p. 659, *post.* (2) *See* p. 659, *post.*

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imprisonment for a term not exceeding three months, with or without hard labour, and the instrument shall be liable to be forfeited.

Regulations as to lights for sea-fishing boats.

6. The regulations respecting lights for the time being in force under the Acts relating to merchant shipping shall, so far as they relate to sea-fishing boats, be deemed to be provisions of this Act and may be enforced accordingly, and a sea-fishery officer shall for that purpose, in addition to his powers under this Act, have the same powers as are given to any officer by the said Acts relating to merchant shipping.(1)

Exclusive Fishery Limits.

Regulations as to foreign sea fishing boats within exclusive fishery limits.

7. (1.) A foreign sea-fishing boat shall not enter within the exclusive fishery limits of the British Islands, except for purposes recognised by international law, or by any convention, treaty, or arrangement for the time being in force between her Majesty and any foreign state, or for any lawful purpose.

(2.) If a foreign sea-fishing boat enters the exclusive fishery limits of the British Islands,

(*a.*) The boat shall return outside of the said limits so soon as the purpose for which it entered has been answered;

(*b.*) No person on board the boat shall fish or attempt to fish while the boat remains within the said limits;

(*c.*) Such regulations as her Majesty may from time to time prescribe by order in council shall be duly observed.

(3.) In the event of any contravention of this section on the part of any foreign sea-fishing boat, or of any person belonging thereto, the master or person for the time being in charge of such boat shall be liable on summary conviction to a fine not exceeding, in the case of the first offence, ten pounds, and in the case of a second or any subsequent offence, twenty pounds.

Registry of British Sea-fishing Boats.

Amendment of 31 & 32 Vict. c. 45. ss. 22–26.

8. (1.) Sections twenty-two, twenty-three, twenty-four, and twenty-six(2) of the Sea Fisheries Act, 1868 (which relate to the registry of British sea-fishing boats), shall have effect as if articles five to twelve (both inclusive) of the first schedule to this Act were therein referred to in addition to the articles of of the first schedule to that Act in the said sections mentioned, and as if offences under this Act were offences in the said sections mentioned; provided that nothing in the said sections shall be deemed to authorise any foreign sea-fishery officer to do anything which he is not, under the first schedule to this Act, authorised to do.

(1) *See* p. 321, *ante*. This section is applied by 48 & 49 Vict. c. 49. s. 5., p. 680, *post*.

(2) *See* p. 442, *ante*.

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(2.) Section one hundred and seventy-six of the Customs Consolidation Act, 1876,(1) shall not apply to any British sea-fishing boat entered or registered in pursuance of the said sections of the Sea Fisheries Act, 1868.(2) 39 & 40 Vict. c. 36.

Miscellaneous.

9. (1.) There shall not be manufactured or sold or exposed for sale at any place within the British Islands, any instrument serving only or intended to damage or destroy fishing implements, by cutting or otherwise. Prohibition of manufacture and sale of instruments for destroying fishing implements.

(2.) In the event of any contravention of this section a person guilty thereof shall be liable, on summary conviction, to a fine not exceeding fifty pounds, or, in the discretion of the court, to imprisonment for a term not exceeding three months, with or without hard labour, and the instrument shall be liable to be forfeited.

10. The boats and things specified in article twenty-five(3) of the first schedule to this Act shall be deemed to be "wreck"(4) within the meaning of any Acts relating to merchant shipping, so however that the provisions of the said article shall be duly observed. Provision as to wreck (article 25 convention).

Enforcement of Act.

11. (1.) The provisions of this Act and of any order in council(5) under this Act or under the sections of the Sea Fisheries Act, 1868, amended by this Act shall be enforced by sea-fishery officers,(6) either British or foreign. Who are to be British and foreign sea-fishery officers.

(2.) The following persons shall be British sea-fishery officers; that is to say, every officer of or appointed by the Board of Trade, every commissioned officer of any of her Majesty's ships on full pay, every officer authorised in that behalf by the Admiralty, every British consular officer, every collector and principal officer of customs in any place in the British Islands, and every officer of customs in the British Islands authorised in that behalf by the commissioners of customs, every divisional officer of the coastguard, and every principal officer of a coastguard station.

(3.) The following persons shall be foreign sea-fishery officers, that is to say, the commander of any vessel belonging to the government of any foreign state bound by the convention, and any officer appointed by a foreign state for the purpose of enforcing the convention, or otherwise recognised by her Majesty as a sea-fishery officer of a foreign state.

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(1) 39 & 40 Vict. c. 36., p. 600, *ante*.
(2) *See* p. 442, *ante*.
(3) *See* p. 660, *post*.
(4) *See* Merchant Shipping Act, 1854 (17 & 18 Vict. c. 104.), s. 2., p. 162, *ante*.
(5) *See* Sea Fisheries Act, 1868 (31 & 32 Vict. c. 45.), s. 7., p. 439, *ante*.
(6) *See* Sea Fisheries Act, 1868 (31 & 32 Vict. c. 45.), s. 8., p. 439, *ante*.

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Powers of British sea-fishery officers.

12. For the purpose of enforcing the provisions of this Act and of any order in council under this Act or under the Sea Fisheries Act, 1868, as amended by this Act, a British sea-fishery officer may with respect to any sea-fishing boat within the exclusive limits of the British Islands and with respect to any British sea-fishing boat outside of those limits, exercise the following powers:

(1.) He may go on board it;

(2.) He may require the owner, master, and crew, or any of them, to produce any certificates of registry, licences, official logbooks, official papers, articles of agreement, muster rolls, and other documents relating to the boat or to the crew, or to any member thereof, or to any person on board the boat, which are in their respective possession or control on board the boat, and may take copies thereof or of any part thereof;

(3.) He may muster the crew of the boat;

(4.) He may require the master to appear and give any explanation concerning his boat and her crew, and any person on board his boat, and the said certificates of registry, licences, official logbooks, official papers, articles of agreement, muster rolls, and other documents, or any of them;

(5.) He may examine all sails, lights, small boats, anchors, grapnels, and fishing implements belonging to the boat;

(6.) He may seize any instrument serving only or intended to damage or destroy fishing implements, by cutting or otherwise, which is found on board the boat or in the possession of any person belonging to the boat;

(7.) He may make any examination or inquiry which he deems necessary to ascertain whether any contravention of the provisions of this Act, or of any such order of council as aforesaid has been committed, or to fix the amount of compensation due for any damage done to another sea-fishing boat, or to any person or property on board thereof or belonging thereto, and may administer an oath for such purpose; and

(8.) In the case of any person who appears to him to have committed any such contravention he may, without summons, warrant, or other process, both take the offender and the boat to which he belongs and the crew thereof to the nearest or most convenient port, and bring him or them before a competent court, and detain him, it, and them in the port until the alleged contravention has been adjudicated upon.(1)

Powers of British and foreign sea-fishery officers.

13. For the purpose of carrying into effect the convention, and of exercising and performing the powers and duties thereby

(1) *See* Sea Fisheries Act, 1868 (31 & 32 Vict. c. 45.), s. 9., p. 439, *ante*.

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vested in and imposed on cruisers and commanders of cruisers, a foreign sea-fishery officer may, with respect to any British sea-fishing boat, and any sea-fishery officer, whether British or foreign, may, with respect to any foreign sea-fishing boat to which this Act for the time being applies, exercise any of the powers conferred by this Act on British sea-fishery officers.

Provided that—

(*a.*) Nothing in this section shall authorise a sea-fishery officer to do anything not authorised by the convention; and

(*b.*) The port to which any sea-fishing boat or any person belonging thereto is taken shall, except where the nationality of such boat is not evidenced by official papers, be a port of the state to which such boat belongs.

Protection of and punishment for obstructing sea-fishery officers. 39 & 40 Vict. c. 36.

14.—(1.) A sea-fishery officer shall be entitled to the same protection in respect of any action or suit brought against him for any act done or omitted to be done in the execution of his duty under this Act, as is given to any officer of customs by the Customs Consolidation Act, 1876,(1) or any Act amending the same, and (with reference to the seizure or detention of any ship) by any Act relating to the registry of British ships.

(2.) If any person obstructs any sea-fishery officer in acting under the powers conferred by this Act, or refuses or neglects to comply with any requisition or direction lawfully made or given by, or to answer any question lawfully asked by, any sea-fishery officer in pursuance of this Act, such person shall be liable, on summary conviction, to a fine not exceeding fifty pounds, or to be imprisoned for a term not exceeding three months, with or without hard labour.

Legal Proceedings.

15. * * * * * * *

Compensation for damage caused by offences.

(2.) Any compensation specified in a document signed in accordance with article thirty-three of the first schedule to this Act or fixed by a sea-fishery officer in accordance with any submission to arbitration may be recovered as a simple contract debt, and in England may also be recovered as a civil debt before a court of summary jurisdiction.

(3.) In a proceeding against any person for the recovery of such last-mentioned compensation, the formal document referred to in the said article, or an award of a sea-fishery officer in pursuance of a submission to arbitration signed by the person liable to pay such compensation, shall be sufficient evidence that such person is liable to pay the compensation specified in such document or award.

(1) *See* Customs Consolidation Act, 1876 (39 & 40 Vict. c. 36.), ss. 268.–274., p. 613, *ante*.

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Summary prosecution of offences and recovery of fines.

16. (1.) Offences under this Act may (save as otherwise provided) be prosecuted, and fines under this Act may be recovered in a summary manner; that is to say,—

(*a.*) In England before a justice or justices, in manner provided by the Summary Jurisdiction (English) Acts;

42 & 43 Vict. c. 49.

(*b.*) In Scotland in manner provided by the Summary Jurisdiction (Scotland) Acts, 1864 and 1881;

27 & 28 Vict. c. 53.
44 & 45 Vict. c. 38.

(*c.*) In Ireland within the police district of Dublin metropolis in manner provided by the Acts regulating the powers and duties of the justices of the peace of such district, or of the police of such district, and elsewhere in Ireland in manner provided by the Petty Sessions (Ireland) Act, 1851, and the Acts amending the same:

14 & 15 Vict. c. 93.

(*d.*) In the Isle of Man, and the Islands of Guernsey, Jersey, Alderney, and Sark respectively, before any court, governor, deputy governor, deemster, jurat, or other magistrate, in the manner in which the like offences and fines are by law prosecuted and recovered, or as near thereto as circumstances admit.

(2.) If any person feels aggrieved by any conviction under this Act by a court of summary jurisdiction, or by any determination or adjudication of such court with respect to any compensation under this Act, he may, where imprisonment is awarded without the option of a fine, or the sum adjudged to be paid exceeds five pounds, appeal therefrom as follows:

(*a.*) In England the appeal shall be to quarter sessions in manner provided by the Summary Jurisdiction (English) Acts;

(*b.*) In Ireland the appeal shall be to the court of quarter sessions in manner directed by the Petty Sessions (Ireland) Act, 1851, and the Acts amending the same.

(*c.*) In Scotland, the Isle of Man, and the Islands of Guernsey, Jersey, Alderney, and Sark, the appeal shall be to the court and in the manner in which appeals from the like convictions and determinations and adjudications are made.

Evidence.

17. (1.) Any document drawn up in pursuance of the first schedule to this Act shall be admissible in any proceeding, civil or criminal, as evidence of the facts or matters therein stated.

(2.) If evidence contained in any such document was taken on oath in the presence of the person charged in such evidence, and such person had an opportunity of cross-examining the person giving such evidence and of making his reply to such evidence, the sea-fishery officer drawing up such document may certify the said facts, or any of them.

(3.) Any document or certificate in this section mentioned purporting to be signed by a sea-fishery officer shall be admissible in evidence without proof of such signature, and, if purporting

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to be signed by any other person, shall, if certified by a sea-fishery officer to have been so signed, be deemed until the contrary is proved to have been signed by such other person.

(4.) If any person forges the signature of a sea-fishery officer to any such document as above-mentioned, or makes use of any such document knowing the signature thereto to be forged, such person shall be liable on summary conviction to imprisonment for a term not exceeding three months with or without hard labour, and on conviction on indictment to be imprisoned with or without hard labour for a term not exceeding two years, and the cost of the prosecution of any such person on indictment may be paid as in cases of felony.

Jurisdiction of courts.

18. For the purpose of giving jurisdiction to courts under this Act, a sea-fishing boat shall be deemed to be a ship within the meaning of any Act relating to offences committed on board a ship, and every court shall have the same jurisdiction over a foreign sea-fishing boat within the exclusive fishery limits of the British Islands, and persons belonging thereto, as such court would have if such boat were a British sea-fishing boat.

Service to be good if made personally or on board ship.

19. Service of any summons or other matter in any legal proceeding under this Act shall be good service if made personally on the person to be served, or at his last place of abode, or if made by leaving such summons for him on board any sea-fishing boat to which he may belong, with the person being or appearing to be in command or charge of such boat.

Masters of boats liable to fines imposed.

20. (1.) Where any offence against this Act has been committed by some person belonging to a sea-fishing boat, the master or person for the time being in charge of such boat shall in every case be liable to be deemed guilty of such offence; provided that if he proves that he issued proper orders for the observance, and used due diligence to enforce the observance, of this Act, and that the offence in question was actually committed by some other person without his connivance, and that the actual offender has been convicted, or that he has taken all practicable means in his power to prosecute such offender (if alive) to conviction, he shall not be liable to any further punishment than payment of compensation for any injury caused by the offence.

(2.) Any fine or compensation adjudged under this Act may be recovered in the ordinary way, or, if the court think fit so to order, by distress or poinding and sale of the sea-fishing boat to which the offender belongs, and her tackle, apparel, and furniture and any property on board thereof or belonging thereto, or any part thereof; provided that, where the boat is a foreign sea-fishing boat, the court may order that in lieu of any such distress the boat may be detained in some port in the British Islands for a period not exceeding three months from the date of the conviction, and the boat may be detained accordingly, and in such case shall not be distrained.

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Application of fines.

21. (1.) The court adjudging any fine or forfeiture under this Act may, if it think fit, direct the whole or any part thereof to be applied in or towards payment of the expenses of the proceedings; and, subject to such direction, all fines and the proceeds of all forfeitures recovered under this Act shall, notwithstanding anything in any Act relating to municipal corporations or otherwise, be paid into the Exchequer in such manner as the Commissioners of the Treasury may direct.

(2.) Forfeitures may be destroyed, sold, and disposed of as the court adjudging the forfeiture may direct.

Saving of liability and rights.

22. (1.) Nothing in this Act shall prevent any person being liable under any other Act or otherwise to any indictment, proceeding, punishment, or penalty, other than is provided for any offence by this Act, so that no person be punished twice for the same offence.

(2.) Nothing in this Act, or in any order in council made thereunder, nor any proceedings under such Act or order with respect to any matter, shall alter the liability of any person in any action or suit with reference to the same matter, so that no person shall be required to pay compensation twice in respect of the same injury.

Application of Act.

Extension of Act by order in council.

23. If at any time after the commencement of this Act any convention, treaty, or arrangement respecting sea fisheries is made between her Majesty and any foreign state, it shall be lawful for her Majesty by order in council to direct that all or any of the provisions of this Act shall, and the same shall accordingly (subject to the exceptions, restrictions, and conditions, if any, in the order mentioned) apply to the said convention, treaty, or arrangement, and have effect in like manner as if the said convention, treaty, or arrangement were set forth in the first schedule to this Act, and were part of that schedule and were the convention referred to in this Act.

Application of Act to seas between British Islands and France, and continuance of 6 & 7 Vict. c. 79. as to French convention.

24. If the provisions of this Act are applied by order in council to any convention, treaty, or arrangement made in substitution for the convention set forth in the first schedule to the Sea Fisheries Act, 1868, or for the convention and articles set forth in the schedule to the Act of the sixth and seventh years of the reign of her present Majesty, chapter seventy-nine, intituled "An Act to carry into effect the convention between "her Majesty and the King of the French, concerning the "fisheries in the seas between the British Islands and France," that last-mentioned Act shall, after the date fixed by the said order for the application of this Act be repealed, but such last-mentioned Act shall, until the said date or any earlier date at which the convention set forth in the first schedule to the Sea Fisheries Act, 1868, comes into operation, continue in force so far as regards French sea-fishing boats and persons belonging thereto within the seas to which the said convention and articles set

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forth in the schedule thereto apply, so far as those seas are outside the exclusive fishery limits of the British Islands, and are not within the North Sea as defined in the first schedule to this Act.

General application of Act.

25. This Act, so far as it applies to foreign sea-fishing boats outside of the exclusive fishery limits of the British Islands, and persons belonging thereto, and to foreign sea-fishery officers, shall apply only within the North Sea as defined by article four of the first schedule to this Act, or within the seas specified in any convention, treaty, or arrangement to which this Act may be applied by order in council made in pursuance of this Act, and to the boats and officers of a foreign state bound by the convention in the first schedule to this Act or by any convention, treaty, or arrangement to which this Act may be applied, but save as aforesaid this Act shall apply to the whole of the British Islands as defined by this Act, and to the seas surrounding the same, whether within or without the exclusive fishery limits of the British Islands, and the royal courts of Guernsey and Jersey shall register this Act in their respective courts.

Supplemental.

Publication of orders in council.

26. Orders in council made in pursuance of this Act shall be published in the London Gazette, or otherwise published in such manner as the Board of Trade may direct for such sufficient time before they come into force as to prevent inconvenience.

Amendment of 31 & 32 Vict. c. 45. s. 18. 39 & 40 Vict. c. 36.

27. The reference in section eighteen of the Sea Fisheries Act, 1868, to section two hundred of the Customs Consolidation Act, 1853, shall be construed to refer to section one hundred and seventy of the Customs Consolidation Act, 1876.(1)

Definitions.

28. In this Act,—

"Sea-fishing:"

The expression "sea-fishing" shall not include fishing for salmon as defined by any Act relating to salmon, but save as aforesaid, means the fishing for every description both of fish, and shell fish, found in the seas to which this Act applies; and the expression "sea fisherman" and other expressions relating to sea-fishing shall be construed accordingly:

"Sea-fishing boat:"

The expression "sea-fishing boat" includes every vessel of whatever size, and in whatever way propelled, which is used by any person in sea-fishing, or in carrying on the business of a sea fisherman:

"Fishing implements:"

The expression "fishing implement" means any net, line, float, barrel, buoy, or other instrument, engine, or implement used or intended to be used for the purpose of sea-fishing:

"British Islands:"

The expression "British Islands" includes the United Kingdom of Great Britain and Ireland, the Isle of Man,

(1) *See* 39 & 40 Vict. c. 36. s. 170., p. 599, *ante*.

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the Islands of Guernsey, Jersey, Alderney, and Sark, and their dependencies:

"Exclusive fishery limits:" The expression "exclusive fishery limits of the British Islands" means that portion of the seas surrounding the British Islands within which her Majesty's subjects have, by international law, the exclusive right of fishing, and where such portion is defined by the terms of any convention, treaty, or arrangement for the time being in force between her Majesty and any foreign state, includes, as regards the sea-fishing boats and officers and subjects of that state, the portion so defined:

The expression "the Admiralty" means the lord high admiral for the time being of the United Kingdom of Great Britain and Ireland, or any two or more of the commissioners for executing the office of lord high admiral of the United Kingdom:

"Consular officer:" The expression "consular officer" includes consul-general, consul and vice-consul, and any person for the time being discharging the duties of consul-general, consul, or vice-consul:

"Person:" The expression "person" includes a body of persons corporate or unincorporate:

"Court." The expression "court" includes any tribunal or magistrate exercising jurisdiction under this Act.

Commencement of Act. **29.** This Act shall come into force(1) on such day as may be fixed by a notice in that behalf published in the London Gazette, which day is in this Act referred to as the commencement of this Act.

Repeals. **30.** (1.) After the commencement of this Act the Acts specified in the first part of the second schedule to this Act shall be repealed to the extent specified in the third column of that schedule.

(2.) After the commencement of this Act, the Acts specified in the second part of the second schedule to this Act shall be repealed to the extent specified in the third column of that schedule:

Provided that, until the date herein-after mentioned at which such repeal takes full effect, the repeal of the enactments specified in the said second part shall, except within the North Sea as defined by the first schedule to this Act, be subject to the following limitations:

(*a.*) The repeal shall not extend to section twelve of the Sea Fisheries Act, 1868 (which section relates to oyster

(1) This Act came into force on the 15th day of May 1884, by a notice published in the London Gazette of the 28th March 1884. The 15th day of May 1884 is therefore the date of the commencement of this Act.

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fishing), nor to the recovery of any penalty for a violation of that section;

(*b.*) The repeal shall extend only to officers and boats within the exclusive fishery limits of the British Islands and to British sea-fishing boats when outside the exclusive fishery limits of the British Islands;

(*c.*) The repeal shall not affect the power of French sea-fishery officers and French courts over British sea-fishing boats when outside the exclusive fishery limits of the British Islands, or the power of British and French sea-fishery officers and British courts over French sea-fishing boats brought within the exclusive fishery limits of the British Islands for offences committed outside those limits;

(*d.*) The repeal shall not alter the power of receiving as evidence any depositions, minutes, and other documents which by the said Acts are made receivable as evidence;

(*e.*) If the convention set forth in the first schedule to the Sea Fisheries Act, 1868,(1) comes into operation, then, upon notice thereof being given in the London Gazette, the said enactments shall, subject to the provisions of this section, be in force for the purposes of such convention.

If this Act is applied by order in council(2) to French sea-fishery officers and French sea-fishing boats within the seas to which the convention set forth in the first schedule to the Sea Fisheries Act, 1868, applies, the said repeal of the enactments specified in the second part of the second schedule to this Act shall take full effect as from the date at which such application of this Act takes effect.

(3.) The repeal of any enactment by this Act shall not affect anything duly done or suffered, or any liability, penalty, forfeiture, or punishment incurred under any enactment hereby repealed, and any legal proceeding or remedy in respect of such liability, penalty, forfeiture, or punishment may be carried on as if this Act had not passed.

Continuance of Act.

31. So much of this Act as has effect outside of the exclusive fishery limits of the British Islands shall, if the convention ceases to be binding on her Majesty, cease to apply to the boats and officers of any foreign state bound by the convention, and if the convention ceases to be binding on any foreign state shall cease to apply to the boats and officers of such state, but subject as aforesaid this Act shall continue in force notwithstanding the determination of the convention.

(1) *See* p. 451, *ante*.
(2) The Act has not yet been so applied.

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SCHEDULES.

FIRST SCHEDULE.

International Convention for the purpose of regulating the Police of the Fisheries in the North Sea outside Territorial Waters.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland; his Majesty the Emperor of Germany, King of Prussia; his Majesty the King of the Belgians; his Majesty the King of Denmark; the President of the French Republic; and his Majesty the King of the Netherlands, having recognised the necessity of regulating the police of the fisheries in the North Sea, outside territorial waters, have resolved to conclude for this purpose a convention, and have named their plenipotentiaries as follows:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland the honourable William Stuart, companion of the most honourable Order of the Bath, &c., her envoy extraordinary and minister plenipotentiary at the Hague; Charles Malcolm Kennedy, Esq., companion of the most honourable Order of the Bath, &c., head of the commercial department of the Foreign Office; and Charles Cecil Trevor, Esq., barrister at law, assistant secretary to the Board of Trade, &c.;

His Majesty the Emperor of Germany, King of Prussia, Veit Richard von Schmidthals, knight of the Order of the Red Eagle of the third class, and of the Order of St. John, &c., councillor of legation, his chargé d'affaires at the Hague; and Peter Christian Kinch Donner, knight of the Order of the Red Eagle of the fourth class with the Sword, and of the Crown of the fourth class, &c., his councillor of state, captain in the navy, on the reserve;

His Majesty the King of the Belgians, the Baron d'Anethan, commander of the Order of Leopold, &c., his envoy extraordinary and minister plenipotentiary at the Hague; and M. Léopold Orban, commander of the Order of Leopold, &c., his envoy extraordinary and minister plenipotentiary, director-general of the political department in the ministry of foreign affairs;

His Majesty the King of Denmark, Carl Adolph Bruun, knight of the Order of the Danebrog, &c., captain in the navy;

The President of the French Republic, the Count Lefèbvre de Béhaine, commander of the National Order of the Legion of Honour, &c., envoy extraordinary and minister plenipotentiary of the French Republic at the Hague; and M. Gustave Émile Mancel, officer of the National Order of the Legion of Honour, &c., commissary of marine;

His Majesty the King of the Netherlands, the Jonkheer Willem Frederik Rochussen, commander of the Order of the Lion of the Netherlands, &c., his minister of foreign affairs; and Eduard Nicolaas Rahusen, knight of the Order of the Lion of the Netherlands, &c., president of the committee for sea fisheries;

Who, after having communicated the one to the other their full powers, found in good and due form, have agreed upon the following articles:—

Article I.

The provisions of the present convention, the object of which is to regulate the police of the fisheries in the North Sea outside territorial waters, shall apply to the subjects of the high contracting parties.

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ARTICLE II.

The fishermen of each country shall enjoy the exclusive right of fishery within the distance of three miles frow low water mark along the whole extent of the coasts of their respective countries, as well as of the dependent islands and banks.

As regards bays, the distance of three miles shall be measured from a straight line drawn across the bay, in the part nearest the entrance, at the first point where the width does not exceed ten miles.

The present article shall not in any way prejudice the freedom of navigation and anchorage in territorial waters accorded to fishing boats, provided they conform to the special police regulations enacted by the powers to whom the shore belongs.

ARTICLE III.

The miles mentioned in the preceding article are geographical miles, whereof sixty make a degree of latitude.

ARTICLE IV.

For the purpose of applying the provisions of the present convention, the limits of the North Sea shall be fixed as follows:—

1. On the north by the parallel of the 61st degree of latitude;
2. On the east and south:
   (1.) By the coasts of Norway between the parallel of the 61st degree of latitude and Lindesnaes Lighthouse (Norway);
   (2.) By a straight line drawn from Lindesnaes Lighthouse (Norway) to Hanstholm Lighthouse (Denmark);
   (3.) By the coasts of Denmark, Germany, the Netherlands, Belgium, and France, as far as Gris Nez Lighthouse;
3. On the west:
   (1.) By a straight line drawn from Gris Nez Lighthouse (France) to the easternmost lighthouse at South Foreland (England);
   (2.) By the eastern coasts of England and Scotland;
   (3.) By a straight line joining Duncansby Head (Scotland) and the southern point of South Ronaldsha (Orkney Islands);
   (4.) By the eastern coasts of the Orkney Islands;
   (5.) By a straight line joining North Ronaldsha Lighthouse (Orkney Islands) and Sumburgh Head Lighthouse (Shetland Islands);
   (6.) By the Eastern Coasts of the Shetland Islands;
   (7.) By the meridian of North Unst Lighthouse (Shetland Islands) as far as the parallel of the 61st degree of latitude.

ARTICLE V.

The fishing boats of the high contracting parties shall be registered in accordance with the administrative regulations of each country. For each port there shall be a consecutive series of numbers, preceded by one or more initial letters, which shall be specified by the superior competent authority.

Each government shall draw up a list showing these initial letters.

This list, together with all modifications which may subsequently be made in it, shall be notified to the other contracting powers.

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ARTICLE VI.

Fishing boats shall bear the initial letter or letters of the port to which they belong, and the registry number in the series of numbers for that port.

ARTICLE VII.

The name of each fishing boat, and that of the port to which she belongs, shall be painted in white oil colour on a black ground on the stern of the boat, in letters which shall be at least 8 centim. in height and 12 millim. in breadth.

ARTICLE VIII.

The letter or letters and numbers shall be placed on each bow of the boat, eight or ten centim. below the gunwale, and so as to be clearly visible. They shall be painted in white oil colour on a black ground.

The distance above mentioned shall not, however, be obligatory for boats of small burden, which may not have sufficient space below the gunwale.

For boats of fifteen tons burden and upwards the dimensions of the letters and numbers shall be forty-five centim. in height and 6 centim. in breadth.

For boats of less than fifteen tons burden the dimensions shall be twenty-five centim. in height and 4 centim. in breadth.

The same letter or letters and numbers shall also be painted on each side of the mainsail of the boat, immediately above the close reef, in black oil colour on white or tanned sails, and in white oil colour on black sails.

The letter or letters and numbers on the sails shall be one-third larger in every way than those placed on the bows of the boat.

ARTICLE IX.

Fishing boats may not have, either on their outside or on their sails, any names, letters, or numbers other than those prescribed by Articles VI., VII., and VIII. of the present convention.

ARTICLE X.

The names, letters, and numbers placed on the boats and on their sails shall not be effaced, altered, made illegible, covered, or concealed in any manner whatsoever.

ARTICLE XI.

All the small boats, buoys, principal floats, trawls, grapnels, anchors, and generally all fishing implements, shall be marked with the letter or letters and numbers of the boats to which they belong.

These letters and numbers shall be large enough to be easily distinguished. The owners of the nets or other fishing implements may further distinguish them by any private marks they think proper.

ARTICLE XII.

The master of each boat must have with him an official document, issued by the proper authority in his own country, for the purpose of enabling him to establish the nationality of the boat.

This document must always give the letter or letters and number of the boat, as well as her description and the name or names of the owner or the name of the firm or association to which she belongs.

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ARTICLE XIII.

The nationality of a boat must not be concealed in any manner whatsoever.

ARTICLE XIV.

No fishing boat shall anchor, between sunset and sunrise, on grounds where drift-net fishing is actually going on.

This prohibition shall not, however, apply to anchorings which may take place in consequence of accidents or of any other compulsory circumstances.

ARTICLE XV.

Boats arriving on the fishing grounds shall not either place themselves or shoot their nets in such a way as to injure each other, or as to interfere with fishermen who have already commenced their operations.

ARTICLE XVI.

Whenever, with a view of drift-net fishing, decked boats and undecked boats commence shooting their nets at the same time, the undecked boats shall shoot their nets to windward of the decked boats.

The decked boats, on their part, shall shoot their nets to leeward of the undecked boats.

As a rule, if deck boats shoot their nets to windward of undecked boats which have begun fishing, or if undecked boats shoot their nets to leeward of decked boats which have begun fishing, the responsibility as regards any damages to nets which may result shall rest with the boats which last began fishing, unless they can prove that they were under stress of compulsory circumstances, or that the damage was not caused by their fault.

ARTICLE XVII.

No net or any other fishing engine shall be set or anchored on grounds where drift-net fishing is actually going on.

ARTICLE XVIII.

No fisherman shall make fast or hold on his boat to the nets, buoys, floats, or any other part of the fishing tackle of another fisherman.

ARTICLE XIX.

When trawl fishermen are in sight of drift-net or of long-line fishermen, they shall take all necessary steps in order to avoid doing injury to the latter. Where damage is caused, the responsibility shall lie on the trawlers, unless they can prove that they were under stress of compulsory circumstances, or that the loss sustained did not result from their fault.

ARTICLE XX.

When nets belonging to different fishermen get foul of each other, they shall not be cut without the consent of both parties.

All responsibility shall cease if the impossibility of disengaging the nets by any other means is proved.

ARTICLE XXI.

When a boat fishing with long lines entangles her lines in those of another boat, the person who hauls up the lines shall not cut them except under stress of compulsory circumstances, in which case any line which may be cut shall be immediately joined together again.

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ARTICLE XXII.

Except in cases of salvage and the cases to which the two preceding articles relate, no fisherman shall, under any pretext whatever, cut, hook, or lift up nets, lines, or other gear not belonging to him.

ARTICLE XXIII.

The use of any instrument or engine which serves only to cut or destroy nets is forbidden.

The presence of any such engine on board a boat is also forbidden.

The high contracting parties engage to take the necessary measures for preventing the embarkation of such engines on board fishing boats.

ARTICLE XXIV.

Fishing boats shall conform to the general rules respecting lights which have been, or may be, adopted by mutual arrangement between the high contracting parties with the view of preventing collisions at sea.

ARTICLE XXV.

All fishing boats, all their small boats, all rigging gear or other appurtenances of fishing boats, all nets, lines, buoys, floats, or other fishing implements whatsoever found or picked up at sea, whether marked or unmarked, shall as soon as possible be delivered to the competent authority of the first port to which the salving boat returns or puts in.

Such authority shall inform the consul or consular agent of the country to which the boat of the salvor belongs, and of the nation of the owner of the articles found. They [the same authority] shall restore the articles to the owners thereof or to their representatives, as soon as such articles are claimed and the interests of the salvors have been properly guaranteed.

The administrative or judicial authorities, according as the laws of the different countries may provide, shall fix the amount which the owners shall pay to the salvors.

It is, however, agreed that this provision shall not in any way prejudice such conventions respecting this matter as are already in force, and that the high contracting parties reserve the right of regulating, by special arrangements between themselves, the amount of salvage at a fixed rate per net salved.

Fishing implements of any kind found unmarked shall be treated as wreck.

ARTICLE XXVI.

The superintendence of the fisheries shall be exercised by vessels belonging to the national navies of the high contracting parties. In the case of Belgium, such vessels may be vessels belonging to the state, commanded by captains who hold commissions.

ARTICLE XXVII.

The execution of the regulations respecting the document establishing nationality, the marking and numbering of boats, &c., and of fishing implements, as well as the presence on board of instruments which are forbidden (Articles VI., VII., VIII., IX., X., XI., XII., XIII., and XXIII., § 2), is placed under the exclusive superintendence of the cruizers of the nation of each fishing boat.

Nevertheless, the commanders of cruizers shall acquaint each other with any infractions of the above-mentioned regulations committed by the fishermen of another nation.

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ARTICLE XXVIII.

The cruizers of all the high contracting parties shall be competent to authenticate all infractions of the regulations prescribed by the present convention, other than those referred to in Article XXVII., and all offences relating to fishing operations, whichever may be the nation to which the fishermen guilty of such infractions may belong.

ARTICLE XXIX.

When the commanders of cruizers have reason to believe that an infraction of the provisions of the present convention has been committed, they may require the master of the boat inculpated to exhibit the official document establishing her nationality. The fact of such document having been exhibited shall then be endorsed upon it immediately.

The commanders of cruizers shall not pursue further their visit or search on board a fishing boat which is not of their own nationality, unless it should be necessary for the purpose of obtaining proof of an offence or of a contravention of regulations respecting the police of the fisheries.

ARTICLE XXX.

The commanders of the cruizers of the signatory powers shall exercise their judgment as to the gravity of facts brought to their knowledge, and of which they are empowered to take cognizance, and shall verify the damage, from whatever cause arising, which may be sustained by fishing boats of the nationalities of the high contracting parties.

They shall draw up, if there is occasion for it, a formal statement of the verification of the facts as elicited both from the declarations of the parties interested and from the testimony of those present.

The commander of the cruizer may, if the case appears to him sufficiently serious to justify the step, take the offending boat into a port of the nation to which the fishermen belong. He may even take on board the cruizer a part of the crew of the fishing boat in order to hand them over to the authorities of her nation.

ARTICLE XXXI.

The formal statement referred to in the preceding article shall be drawn up in the language of the commander of the cruizer, and according to the forms in use in his country.

The accused and the witnesses shall be entitled to add, or to have added, to such statement, in their own language, any observations or evidence which they may think suitable. Such declarations must be duly signed.

ARTICLE XXXII.

Resistance to the directions of commanders of cruizers charged with the police of the fisheries, or of those who act under their orders, shall, without taking into account the nationality of the cruizer, be considered as resistance to the authority of the nation of the fishing boat.

ARTICLE XXXIII.

When the act alleged is not of a serious character, but has nevertheless caused damage to any fisherman, the commanders of cruizers shall be at liberty, should the parties concerned agree to it, to arbitrate at sea between them, and to fix the compensation to be paid.

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Where one of the parties is not in a position to settle the matter at once, the commanders shall cause the parties concerned to sign in duplicate a formal document specifying the compensation to be paid.

One copy of this document shall remain on board the cruizer, and the other shall be handed to the master of the boat to which the compensation is due, in order that he may, if necessary, be able to make use of it before the courts of the country to which the debtor belongs.

Where, on the contrary, the parties do not consent to arbitration, the commanders shall act in accordance with the provisions of Article XXX.

ARTICLE XXXIV.

The prosecutions for offences against, or contraventions of, the present convention shall be instituted by, or in the name of, the state.

ARTICLE XXXV.

The high contracting parties engage to propose to their respective legislatures the necessary measures for insuring the execution of the present convention, and particularly for the punishment by either fine or imprisonment, or by both, of persons who may contravene the provisions of Articles VI. to XXIII. inclusive.

ARTICLE XXXVI.

In all cases of assault committed, or of wilful damage or loss inflicted, by fishermen of one of the contracting countries upon fishermen of another nationality, the courts of the country to which the boats of the offenders belong shall be empowered to try them.

The same rule shall apply with regard to offences against, and contraventions of, the present convention.

ARTICLE XXXVII.

The proceedings and trial in cases of infraction of the provisions of the present convention shall take place as summarily as the laws and regulations in force will permit.

ARTICLE XXXVIII.

The present convention shall be ratified. The ratifications shall be exchanged at the Hague as soon as possible.

ARTICLE XXXIX.

The present convention shall be brought into force from and after a day to be agreed upon by the high contracting parties.

The convention shall continue in operation for five years from the above day; and, unless one of the high contracting parties shall, twelve months before the expiration of the said period of five years, give notice of intention to terminate its operation, shall continue in force one year longer, and so on from year to year. If, however, one of the signatory powers should give notice to terminate the convention, the same shall be maintained between the other contracting parties, unless they give a similar notice.

ADDITIONAL ARTICLE.

The government of his Majesty the King of Sweden and Norway may adhere to the present convention, for Sweden and for Norway, either jointly or separately.

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This adhesion shall be notified to the Netherlands government, and by it to the other signatory powers.

In witness whereof the plenipotentiaries have signed the present convention, and have affixed thereto their seals.

Done at the Hague, in six copies, the 6th May, 1882.

(L.S.) W. STUART.
(L.S.) C. M. KENNEDY.
(L.S.) C. CECIL TREVOR.
(L.S.) V. SCHMIDTHALS.
(L.S.) CHR. DONNER.
(L.S.) Bon A. D'ANETHAN.
(L.S.) LÉOPOLD ORBAN.
(L.S.) C. BRUUN.
(L.S.) Cte LEFÈBVRE DE BÉHAINE.
(L.S.) EM. MANCEL.
(L.S.) ROCHUSSEN.
(L.S.) E. N. RAHUSEN.

SECOND SCHEDULE.

ENACTMENTS REPEALED.

A description or citation of an Act in this schedule is inclusive of the word, section, or other part first and last-mentioned, or otherwise referred to as forming the beginning or as forming the end of the portion described in the description or citation.

PART II.

Enactments repealed provisionally.

Session and Chapter.	Title.	Extent of Repeal.
31 & 32 Vict. c. 45.	The Sea Fisheries Act, 1868.	Sections three and four. Section five, from "the term consular officer" to "construed to mean consular officer." Sections six to sixteen. Sections twenty and twenty-one. Section fifty-nine. Section sixty-one. Section sixty-three, from the beginning of the section to "the satisfaction of the court." The first schedule, except articles four to eight, article thirty-one, and the declaration and list of ports annexed to the convention.
38 Vict. c. 15.	An Act to amend the Sea Fisheries Act, 1868.	Section three.

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46 & 47 Victoria.—A.D. 1883.

CAP. XXXII.

An Act to make further provision respecting the application of the Revenues of Greenwich Hospital, and for other purposes. [20th August 1883.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and construction of Act.

1. This Act may be cited as the Greenwich Hospital Act, 1883, and this Act and the Greenwich Hospital Acts, 1865 to 1872,(1) shall be read and have effect together as one Act, and may be cited together as the Greenwich Hospital Acts, 1865 to 1883.

Powers for Grant of Pensions, &c. out of Greenwich Hospital Funds.

Power to grant pensions, allowances, and gratuities.

2. The Admiralty may out of the funds of Greenwich Hospital from time to time grant pensions to widows and allowances to children of—

(*a.*) Non-commissioned officers and petty officers and men of the royal navy and marines killed or drowned in the service of the Crown, or on lifeboat service; and of

(*b.*) Men of the royal naval volunteers killed or drowned in the service of the Crown; and of

(*c.*) Men killed or drowned in the service of the Crown while serving in the seamen pensioners' reserve; and of

(*d.*) Men of the royal naval artillery volunteer force killed or drowned in the service of the Crown.

The Admiralty may out of the said funds from time to time grant gratuities to parents or other relatives dependent on any such non-commissioned officer, petty officer, or man, as aforesaid, killed, drowned, or deceased as aforesaid, so, however, that the total expenditure in such gratuities shall not exceed in any one year the sum of five hundred pounds.

The Admiralty may, if they see fit, by regulations made as hereinafter mentioned, extend the powers and provisions of this section to cases where such non-commissioned officers, petty officers, or men as aforesaid, die from the effects of any injury or disease caused by extraordinary exposure or exertion in the service of the Crown.

No person shall be eligible to receive any benefit under this section on account of the decease of any such non-commissioned officer, petty officer, or man as aforesaid, which took place before the fourth day of June one thousand eight hundred and eighty.

(1) *See* pp. 377, 465, and 526, *ante*.

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Power to provide for education and maintenance of sons of seamen, &c.

3. The Admiralty may out of the funds of Greenwich Hospital from time to time provide wholly or in part for the education and maintenance of sons of deceased or incapacitated warrant officers, non-commissioned officers, petty officers, and men of the royal navy and marines, and also for the education and maintenance of sons of men of the royal naval volunteers and royal naval artillery volunteer force killed or drowned in the service of the Crown.

Regulations by Admiralty.

4. Subject to the provisions of this Act, the Admiralty may from time to time make such regulations as may seem fit for determining the nature and amount of the pensions, allowances, gratuities, and payments for education and maintenance to be granted or made under the powers of this Act, according to the circumstances of different cases, and for governing the selection of the persons to receive the benefit of this Act. Regulations made by the Admiralty under this Act shall not have effect unless and until they are approved by her Majesty in council.

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Removal of doubts as to grants under order in council of 1875. 28 & 29 Vict. c. 89.

6. All gratuities or allowances purporting to have been granted or made before the passing of this Act under the authority of an order of her Majesty in council dated the fourth day of February one thousand eight hundred and seventy-five, shall be deemed to have been authorised by the Greenwich Hospital Act, 1865.(1)

Decision of Admiralty respecting grants conclusive.

7. The decision of the Admiralty respecting the eligibility of any person to receive any benefit under the Acts, orders in council, and regulations which govern the administration of the revenues of Greenwich Hospital, or respecting any other question arising as to the appointment or grant of any pension, allowance, gratuity, or benefit under those Acts, orders, and regulations, shall be binding and conclusive to and for all intents and purposes.

Vesting of Property Mortgaged to Admiralty.

Vesting in Admiralty of property mortgaged.

8. All lands, rates, and other property which have been or been expressed to be conveyed, assigned, or assured by way of mortgage to the Admiralty or to trustees on behalf of the Admiralty, by any instrument in force at the time of the passing of this Act, shall by virtue of this Act continue to be or be vested in the Admiralty for the time being for the same estates, but subject to the equities of redemption subsisting in or affecting the same respectively; and all lands, rates, and other property conveyed, assigned, or assured after the passing of this Act by way of mortgage to secure any moneys advanced by the Admiralty shall be conveyed, assigned, or assured to and vest in the Admiralty for the time being; and all lands, rates, and other property vested in the Admiralty under this section shall go to and be

(1) 28 & 29 Vict. c. 89., p. 377, *ante*.

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held by the lord high admiral for the time being or the commissioners for the time being for executing the office of lord high admiral in succession, in trust for her Majesty, her heirs and successors, for the exclusive benefit of Greenwich Hospital.

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46 & 47 Victoria.—A.D. 1883.

CAP. XXXIV.

An Act to amend the Law relating to Railway Passenger Duty, and to amend and consolidate the Law relating to the conveyance of the Queen's Forces by Railway.

[20th August 1883.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Cheap Trains Act, 1883.

Conveyance of the Queen's forces at reduced rates.

6. (1.) For the purpose of moving by railway on any occasion of the public service—

(*a*) any of the officers or men in or belonging to her Majesty's navy, or royal naval volunteers, and any other officers or men under the command or government of the Admiralty; and

(*b*) any of the officers or soldiers in her Majesty's regular reserve or auxiliary forces (within the meaning of the Army Act, 1881, or any Act amending the same) for the time being subject to military law; and

44 & 45 Vict. c. 58.

(*c*) any officers or men of any police force;

(all and any of which officers, soldiers, and men are in this Act called "the forces");

every railway company shall, on the production of a route duly signed for the conveyance of the forces, provide conveyance for them and their personal luggage, and also for any public baggage, stores, arms, ammunition, and other necessaries and things, whether actually accompanying the forces or not, at all usual times at which passengers are conveyed by the company, on such terms as may be agreed on between the railway company and the secretary of state, Admiralty, or police authority, and subject to or in default of agreement on the following terms:

(i.) The passenger carriages provided shall be of such classes in use on the railway, and in such proportions, as specified in the route, all carriages being protected from the weather and having proper accommodation:

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(ii.) The fares shall not exceed the following proportions of the fares charged to private passengers for the single journey by ordinary train in the respective classes of carriages specified in the route, that is to say, if the number of persons conveyed is less than one hundred and fifty, three fourths; and if the number is one hundred and fifty or more, then for the first one hundred and fifty, three fourths, as for four officers and one hundred and forty-six soldiers or other persons; and for the numbers in excess of the said one hundred and fifty, one half:

(iii.) This section shall apply to such wives, widows, and children of members of the forces as are entitled to be conveyed at the public expense, in like manner as if they were part of the forces, but children less than three years old shall be conveyed free of charge, and the fare for a child more than three and less than twelve years old shall be half the fare payable under this section for an adult:

(iv.) One hundredweight of personal luggage shall be conveyed by the railway company free of charge for every one conveyed under this section who is required by the route to be conveyed first class, and half a hundredweight for every other person conveyed; and any excess of weight shall be conveyed at not more than two thirds of the rate charged to the public for excess luggage:

(v.) The said public baggage, stores, arms, ammunition, necessaries, and things shall be carried at rates not exceeding twopence per ton per mile, the assistance of the forces to be given when available in loading and unloading the same:

(vi.) Provided that the company shall not be bound under this section to carry gunpowder or other explosive or combustible matters except on terms agreed upon between the company and the Admiralty or one of her Majesty's principal secretaries of state, as the case may be.

(2.) For the purposes of this section a route duly signed shall be deemed to be a route issued and signed in accordance with section one hundred and three of the Army Act, 1881, or an order signed by a person authorised in this behalf by one of her Majesty's principal secretaries of state, or a route or order signed by a person authorised in this behalf by the Admiralty, or, as regards the police, a route or order signed by a person authorised in this behalf by the police authority.

(3.) Fares payable under this section shall be exempt from passenger duty.

(4.) Where a company has by refusal or neglect to comply with an order of the Board of Trade or the railway commis-

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sioners lost the benefit of this Act, that company shall, until its compliance is certified as in this Act provided, be exempt from the provisions of this section, but shall be bound to convey all such persons and things as mentioned in this section on the same terms as if this Act had not been passed.(1)

Definitions.

8. In this Act, unless a contrary intention appears from the context—

The term "fare" includes all sums received or charged for the hire, fare, or conveyance of passengers upon or along any railway:

The term "railway company" includes any person being the owner or lessee of or working any railway in the United Kingdom constructed or carried on under the powers of any Act of Parliament:

The term "the Admiralty" means the lord high admiral of the United Kingdom for the time being, or the commissioners for the time being for executing the office of lord high admiral:

The term "police force" means the police force of the metropolitan police district or any county, borough, or place maintaining a separate police force:

The term "police authority" means the secretary of state, quarter sessions, watch committee, police committee, police commissioners, or other authority having the management of a police force.

Anything which the Board of Trade is by this Act empowered or required to do may be done by writing under the hand of the president or secretary or one of the assistant secretaries of the board.

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46 & 47 Victoria.—A.D. 1883.

CAP. LII.

An Act to amend and consolidate the Law of Bankruptcy. [25th August 1883.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title.

1. This Act may be cited as the Bankruptcy Act, 1883.

Extent of Act.

2. This Act shall not, except so far as is expressly provided, extend to Scotland or Ireland.

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(1) *See* 5 & 6 Vict. c. 55. s. 20., p. 108, *ante*, and 7 & 8 Vict. c. 85. s. 12., p. 114, *ante*, and 16 & 17 Vict. c. 69. s. 18., p. 135, *ante*.

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3. This Act shall, except as by this Act otherwise provided, commence and come into operation from and immediately after the thirty-first day of December one thousand eight hundred and eighty-three. Commencement of Act.

PART I.

PROCEEDINGS FROM ACT OF BANKRUPTCY TO DISCHARGE.

Composition or Scheme of Arrangement.

18. (1.) The creditors may at the first meeting or any adjournment thereof, by special resolution, resolve to entertain a proposal for a composition in satisfaction of the debts due to them from the debtor, or a proposal for a scheme of arrangement of the debtor's affairs. Power for creditors to accept and court to approve composition or arrangement.

(12.) If, under or in pursuance of a composition or scheme, a trustee is appointed to administer the debtor's property or manage his business, Part V. of this Act shall apply to the trustee as if he were a trustee in a bankruptcy, and as if the terms "bankruptcy," "bankrupt," and "order of adjudication" included respectively a composition or scheme of arrangement, a compounding or arranging debtor, and order approving the composition or scheme.

(13.) Part III. of this Act shall, so far as the nature of the case and the terms of the composition or scheme admit, apply thereto, the same interpretation being given to the words "trustee," "bankruptcy," "bankrupt," and "order of adjudi-" cation," as in the last preceding sub-section.

PART III.

ADMINISTRATION OF PROPERTY.

Realisation of Property.

53. (1.) Where a bankrupt is an officer of the army or navy, or an officer or clerk or otherwise employed or engaged in the civil service of the Crown, the trustee(1) shall receive for distribution amongst the creditors so much of the bankrupt's pay or salary as the court.(2) on the application of the trustee, with the consent of the chief officer of the department under which the pay or salary is enjoyed, may direct. Before making any order under this sub-section the court shall communicate with the chief officer of the department as to the amount, time, and manner of the payment to the trustee, and shall obtain the written consent of the chief officer to the terms of such payment. Appropriation of portion of pay or salary to creditors.

(1) "Trustee" means the trustee in bankruptcy of a debtor's estate. Bankruptcy Act, 1883, s. 168.

(2) "The court" means the court having jurisdiction in bankruptcy under the Bankruptcy Act, 1883. *Ibid.*

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(2.) Where a bankrupt is in the receipt of a salary or income other than as aforesaid, or is entitled to any half pay, or pension, or to any compensation granted by the Treasury, the court, on the application of the trustee, shall from time to time make such order as it thinks just for the payment of the salary, income, half pay, pension, or compensation, or of any part thereof, to the trustee to be applied by him in such manner as the court may direct.

(3.) Nothing in this section shall take away or abridge any power of the chief officer of any public department to dismiss a bankrupt, or to declare the pension, half pay, or compensation of any bankrupt to be forfeited.(1)

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47 & 48 Victoria.—A.D. 1884.

CAP. XXXVIII.

An Act to provide for the regulation of her Majesty's Indian Marine Service. [28th July 1884.]

WHEREAS a marine establishment, called her Majesty's Indian marine service, is employed under the direction of the governor general of India in council for the transport of troops, the guarding of convict settlements, the suppression of piracy, the survey of coasts and harbours, the visiting of light-houses, the relief of distressed or wrecked vessels, and other local objects, and is maintained out of the revenues of India:

And whereas the members of her Majesty's Indian marine service are not subject either to the Naval Discipline Act,

29 & 30 Vict. c. 109.

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(1) *Appropriation of Pay, Salary, Pensions, &c.*

71. When a trustee intends to apply to the court for an appropriation under section 53. of the Act, he shall give notice of his intention to the bankrupt, and also of the time and place fixed for hearing the application, and that the bankrupt is at liberty to show cause against such order being made.

The notice shall be in the Form No. 88 in the Appendix, with such variations as circumstances may require.

72. When the application is made under sub-section (1.) of section 53. of the Act, a copy of the proposed order shall be sent by the registrar to the chief officer of the department under which the pay or salary is enjoyed, and the application shall stand adjourned until the written consent of such chief officer is obtained, as required by the Act.

73. Where an order of court is made under sub-section (2.) of section 53. of the Act, the registrar shall give to the trustee a sealed copy of the order, who shall communicate the same to the chief of the department or other person under whom the pay, half-pay, salary, income, emolument, pension, or compensation is enjoyed, for the purpose of his counter-signature to the order being written thereon.

74. Where an order has been made for the payment by a bankrupt, or by his employer for the time being, of a portion of his income or salary, the bankrupt may, upon his ceasing to receive a salary or income of the amount he received when the order was made, apply to the court to rescind the order, or to reduce the amount ordered to be paid by him to the trustee.

(General rules made pursuant to section 127. of the Bankruptcy Act, 1883.)

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1866,(1) or to the Merchant Shipping Act, 1854, and Acts amending it, or to any corresponding law made, enacted, or in force under the authority of the government of India; and it is expedient that the governor general of India in council should have power to make laws for the purpose of maintaining discipline in that service: 17 & 18 Vict. c. 104.

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Indian Marine Service Act, 1884. Short title.

2. The governor general of India in council shall have power, subject to the provisions contained in the Indian Councils Act, 1861, as amended by subsequent Acts, at meetings for the purpose of making laws and regulations, to make laws for all persons employed or serving in or belonging to her Majesty's Indian marine service: Provided as follows, Power for governor general in council to make laws for Indian marine service.

(*a.*) A law made under this section shall not apply to any offence, unless the vessel to which the offender belongs is at the time of the commission of the offence within the limits of Indian waters as defined by this Act:

(*b.*) The punishments imposed by any such law for offences shall be similar in character to and shall not be in excess of the punishments which may at the time of making the law be imposed for similar offences under the Acts relating to her Majesty's navy, except that in the case of persons other than Europeans or Americans imprisonment for any term not exceeding fourteen years, or transportation for life or any less term, may be substituted for penal servitude.

3. For the purposes of this Act the expression "Indian "waters" includes the high seas between the Cape of Good Hope on the west and the Straits of Magellan on the east, and all territorial waters between those limits. Definition of Indian waters.

4. A law made under this Act shall, until the governor general makes known that he has received a notification of the disallowance thereof by her Majesty, or until the repeal thereof, be, subject to the provisions of this Act, of the same force and effect as an Act of Parliament, and shall be taken notice of by all courts of justice in the same manner as if it were a Public Act of Parliament. Effect and judicial notice of laws made under Act.

5. Nothing in this Act shall authorise the governor general in council, without the previous approval of the secretary of state for India in council, to make any law whereby power is given to Restriction on or power to make law imposing sentence of death.

(1) *See* p. 405, *ante*.

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any court other than the high courts established under the Act of the session held in the twenty-fourth and twenty-fifth years of her Majesty, chapter one hundred and four, "for establishing "high courts of judicature in India," to sentence to the punishment of death any of her Majesty's natural-born subjects born in Europe, or any child of any such subject.

Placing of vessels, officers, and men of Indian marine service under Naval Discipline Acts in time of war.

6. In case a state of war exists between her Majesty and any foreign power, it shall be lawful for her Majesty by proclamation or order in council to direct that any vessel belonging to her Majesty's Indian marine service and the men and officers from time to time serving thereon shall be under the command of the senior naval officer of the station where for the time being such ship may be. And while any such vessel is under such command such vessel shall be deemed to all intents a vessel of war of the royal navy, and the men and officers from time to time serving in such vessel shall be under such Naval Discipline Act or Acts as may be in force for the time being and subject to such regulations as may be issued by the lords commissioners of the Admiralty, with the concurrence of the secretary of state for India in council.

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47 & 48 Victoria.—A.D. 1884.

CAP. XLIV.

An Act to amend the Law respecting the Payment of Naval and Greenwich Hospital Pensions.

[7th August 1884.]

WHEREAS in pursuance of the Act of the session of the nineteenth and twentieth years of the reign of her present Majesty, chapter fifteen, intituled "An Act for further regulating "the Payment of the Out-Pensioners of Greenwich and Chelsea "Hospitals," one of her Majesty's principal secretaries of state makes regulations for the management and payment of the Greenwich out-pensioners and pays the pensions of those pensioners, but in other respects those pensioners are subject to the lords commissioners of the Admiralty (in this Act referred to as the Admiralty):

28 & 29 Vict. c. 89.

And whereas the Greenwich Hospital Act, 1865,(1) provided that the said pensions should be called naval pensions:

28 & 29 Vict. c. 73.

And whereas the Naval and Marine Pay and Pensions Act, 1865,(2) made provisions with respect to the pensions of seamen and marines subject to the enactment in section ten thereof that nothing in that Act should take away or abridge any power vested in one of her Majesty's principal secretaries of state relative to naval pensions:

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(1) *See* p. 377, *ante*. (2) *See* p. 375, *ante*.

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And whereas the Navy and Marines (Property of Deceased) Act, 1865,(1) made provisions with respect to the payment of money which on the death of a person being or having been an officer, seaman, or marine, is due to him from the Admiralty: 28 & 29 Vict. c. 111.

And whereas by the Admiralty (Powers, &c.) Act, 1865,(2) provision is made for punishing persons who obtain pensions or money from the Admiralty by personation or other fraudulent means: 28 & 29 Vict. c. 124.

And whereas it is expedient that the payment of the said naval pensions should be wholly under the control of the Admiralty:

And whereas by the Greenwich Hospital Acts, 1865 to 1883, provision was made respecting pensions and gratuities to persons entitled to the benefits of Greenwich Hospital and to their widows, and for distinguishing the same as Greenwich Hospital pensions, gratuities, and allowances:

And whereas doubts may arise as to the application of the Naval and Marine Pay and Pensions Act, 1865,(3) and the Navy and Marines (Property of Deceased) Act, 1865,(1) and the Admiralty (Powers, &c.) Act, 1865, to such pensions, gratuities, and allowances, and doubts may also arise as to the effect of any order in council made in pursuance of the above-mentioned Acts so far as regards the restoration of a pension forfeited by conviction for crime, and it is expedient to remove such doubts:

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Naval Pensions Act, 1884. Short title.

2. Any reference in the Naval and Marine Pay and Pensions Act, 1865,(3) the Navy and Marines (Property of Deceased) Act, 1865,(1) or the Admiralty (Powers, &c.) Act, 1865,(2) to a pension or a naval pension, or to money payable by the Admiralty, shall be construed to include a naval pension and a Greenwich Hospital pension, gratuity, and allowance, within the meaning of the Greenwich Hospital Acts, 1865 to 1883, and any sum due on account of such a pension, gratuity, or allowance. Application to Greenwich Hospital pensions of 28 & 29 Vict. cc. 73, 111, 124.

3. A provision of any order in council made in pursuance of the Naval and Marine Pay and Pensions Act, 1865, or of the Greenwich Hospital Acts, 1865 to 1883, respecting the restoration in whole or in part of any forfeited pension shall have effect notwithstanding any Act or law relating to the forfeiture of a pension on conviction for crime. Amendment of 28 & 29 Vict. cc. 73 and 89, as to restoration of forfeited pensions.

5. (1.) This Act shall come into operation on the first day of April one thousand eight hundred and eighty-five. Commencement of Act.

(1) 28 & 29 Vict. c. 111., p. 388, *ante*. (2) 28 & 29 Vict. c. 124., p. 392, *ante*.
(3) 28 & 29 Vict. c. 73., p. 375, *ante*.

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(2.) Any order in council, regulation, or appointment, for the purposes of this Act may be made before the commencement of this Act to take effect upon such commencement.

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47 & 48 Victoria.—A.D. 1884.

CAP. XLVI.

An Act to amend the Naval Enlistment Act, 1853, and for other purposes connected therewith.

[7th August 1884.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and construction.

1. The Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter twenty-four, intituled "An Act for the encouragement of the voluntary enlistment of "Seamen, and to make regulations for more effectually manning "his Majesty's Navy," is in this Act referred to and may be cited as the Naval Enlistment Act, 1835.(1)

The Act of the session of the sixteenth and seventeenth years of the reign of her present Majesty, chapter sixty-nine, intituled "An Act to make better provision concerning the entry and "service of Seamen, and otherwise to amend the laws concern-"ing her Majesty's Navy," is in this Act referred to and may be cited as the Naval Enlistment Act, 1853.(2)

This Act and the Naval Enlistment Act, 1835,(1) and the Naval Enlistment Act, 1853, shall be construed together as one Act, and may be cited together as the Naval Enlistment Acts, 1835 to 1884, and this Act may be cited separately as the Naval Enlistment Act, 1884.

Amendment of 16 & 17 Vict. c. 69. as to period of service of boys and evidence.

2. Whereas by the Naval Enlistment Act, 1835,(1) it is provided that a person shall not be detained in the naval service of his Majesty for more than five years unless he voluntarily entered the same for a longer term, and that, at the expiration of such term, he shall be discharged as therein provided:

And whereas by the Naval Enlistment Act, 1853,(2) it was enacted (by section one) that where, under the regulations or directions of the Admiralty, men were willing to enter or re-enter into the naval service of her Majesty for ten years continuous and general service or for such other term of continuous and general service as under the said regulations or directions may be authorised, such men should be liable to serve accord-

(1) 5 & 6 Will. 4. c. 24., p. 80, *ante*. (2) 16 & 17 Vict. c. 69., p. 132, *ante*.

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ingly, and (by section two) that every boy under the age of eighteen years entering the naval service of her Majesty should be entered and liable to serve until he attains the age of twenty-eight years, and that a person who, when of the age of eighteen or upwards, entered into such naval service as a boy, should be entered for ten years continuous and general service from the time of his entering, and should be liable to serve accordingly:

And whereas it is expedient to provide for the addition of two years to the service of boys hereafter entered into the naval service of her Majesty, and otherwise to amend the said enactments: Be it therefore enacted as follows:

(1.) If the regulations which the Admiralty may from time to time make so direct—

(*a.*) men willing to enter or re-enter into the naval service of her Majesty may be entered or re-entered for continuous and general service for such period as may for the time being be fixed by the said regulations; and

(*b.*) every person entering into the naval service of her Majesty as a boy may be entered for continuous and general surface for such period not exceeding twelve years, or, if he enters when below the age of eighteen, not exceeding the time required for him to attain the age of thirty years, as may for the time being be fixed by the said regulations.

(2.) Men and boys entering in pursuance of this section shall be liable to serve in accordance with the terms of their entry; and the enactments of the Naval Enlistment Act, 1835,(1) and the enactments amending the same shall be applicable to every man and boy as if the term for which he is entered and liable to serve were throughout substituted for the term in the said enactments mentioned.

(3.) Any certificate which is by law evidence of the birth of a person, and any declaration under the Statutory Declarations Act, 1835,(2) by the parent or guardian of a person entering into the naval service of her Majesty as a boy respecting the place of birth of such boy, and a declaration made by a man on entering into the naval service of her Majesty, respecting his place of birth, shall, for the purposes of this Act and of the said enactments, be evidence until the contrary is proved of the place of birth of the person, boy, or man referred to in the certificate or declaration. 5 & 6 Will. 4. c. 62.

3. Section ninety-one of the Army Act, 1881,(3) (which section relates to the sending of lunatic soldiers by a secretary of state to workhouses and lunatic asylums and other places in which lunatics can legally be confined), shall apply in like Application of s. 91 of 44 & 45 Vict. c. 58. to lunatic seamen.

(1) 5 & 6 Will. 4. c. 24, p. 80, *ante*. (2) 5 & 6 Will. 4. c. 62.
(3) *See* p. 631, *ante*.

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manner as if it were herein re-enacted, with the substitution of "a person in the naval service of her Majesty" for "soldier" and "soldier of the regular forces" respectively, and of "the Admiralty" for "a secretary of state," and as if any declaration made on a person entering into the naval service of her Majesty as a boy by his parent or guardian, or made by a man on entering into such service, were respectively substituted for the attestation paper.

Extension to marines of 16 & 17 Vict. c. 73.

4. Whereas under sections sixteen and twenty-one of the Act of the session of the sixteenth and seventeenth years of the reign of her present Majesty, chapter seventy-three, intituled "An Act for the establishment of a body of naval coast "volunteers, and for the temporary transfer to the navy in case "of need of seafaring men employed in other public services," the Admiralty have power, whenever an emergency arises, to require the service in her Majesty's navy of persons who may have served as petty officers or seamen in her Majesty's navy, and may be in receipt of pensions in respect of such service, and pensioners failing so to join are liable to be punished as therein mentioned; and whereas it is expedient to extend the said enactments to persons enlisted or re-engaged after the passing of this Act who have served in the royal marine forces, and who are not members of the army reserve force: Be it therefore enacted as follows:

Sections sixteen(1) and twenty-one(2) of the above-recited Act shall apply to persons enlisted or re-engaged after the passing of this Act, who have served as non-commissioned officers and men of the royal marine forces, and are in receipt of pensions in respect of such service, in like manner as if those sections were herein re-enacted, with the substitution of such non-commissioned officers and men for petty officers or seamen of her Majesty's navy, subject to the following qualifications: that men enlisted in the army reserve force shall not be subject to be required to serve in pursuance of the said sections, and the non-commissioned officers and men who are required to serve shall be subject to serve and be entitled to pay as other non-commissioned officers and men in the royal marine forces, and not as petty officers and seamen.

5. (3.) Men and boys who entered or re-entered into the naval service of her Majesty in pursuance of any enactment repealed by this Act shall continue liable to serve in like manner as if the said enactment had not been repealed, and until regulations are made by the Admiralty in pursuance of this Act the regulations in force at the commencement of this Act with respect to enlistment shall continue in force, and the enactments repealed by this Act shall, for the purposes of this Act, have effect as if they were regulations of the Admiralty.

(1) *See* p. 141, *ante*. (2) *See* p. 143, *ante*.

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48 & 49 Victoria.—A.D. 1885.

CAP. XLII.

An Act to provide for defraying the Expenditure on account of Greenwich Hospital directly out of the Revenues of Greenwich Hospital; to amend in other respects the Greenwich Hospital Acts, 1865 to 1883; and to amend the law relating to the Naval Knights of Windsor. [31st July 1885.]

WHEREAS the present practice of defraying the expenditure on account of Greenwich Hospital out of money provided in the first instance by Parliament, and subsequently repaid by Greenwich Hospital, is unnecessary and inconvenient;

And whereas it is expedient to provide for defraying such expenditure directly out of the revenues of Greenwich Hospital, and in other respects to amend the Greenwich Hospital Acts, 1865 to 1883:(1)

28 & 29 Vict. c. 89. 32 & 33 Vict. c. 44. 33 & 34 Vict. c. 100. 35 & 36 Vict. c. 67. 46 & 47 Vict. c. 32.

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and construction of Act.

1. This Act may be cited as the Greenwich Hospital Act, 1885; and this Act and the Greenwich Hospital Acts, 1865 to 1883,(1) shall be read and have effect together as one Act, and may be cited together as the Greenwich Hospital Acts, 1865 to 1885.

Expenditure to be defrayed out of revenues of Greenwich Hospital.

2. All expenditure which under the Greenwich Hospital Acts, 1865 to 1883, is in the first instance defrayed out of moneys provided by Parliament for the purpose, shall, as from the thirty-first day of March one thousand eight hundred and eighty-five, be defrayed directly out of the money for the time being standing to the credit of the Greenwich Hospital income account.

If in any year the money standing to the credit of that account should prove inadequate to meet the expenditure chargeable on it, it shall be the duty of her Majesty's paymaster general from time to time, under the direction of the Admiralty, to carry over from the Greenwich Hospital capital account such sums as may be required to make good any such deficiency.

Annual estimate to be laid before Parliament.

3. A statement showing under proper heads the estimated income and expenditure of Greenwich Hospital for the current financial year shall be annually laid by the Admiralty before Parliament, and be submitted for approval by resolution of the House of Commons.

The comptroller and auditor general shall not allow as a charge against income any expenditure not covered by the sum

(1) 28 & 29 Vict. c. 89. (1865), p. 377, *ante*; 32 & 33 Vict. c. 44. (1869), p. 465, *ante*; 33 & 34 Vict. c. 100. (1870); 35 & 36 Vict. c. 67. (1872), p. 526, *ante*; 46 & 47 Vict. c. 32. (1883), p. 664, *ante*.

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total of the approved estimate of the year in which it comes in course of payment, unless the same shall have been specifically sanctioned by resolution of the House of Commons.

Amendment of 28 & 29 Vict. c. 89. s. 47.

4. The duties of the accountant general of the navy under section forty-seven of the Greenwich Hospital Act, 1865, may henceforth be performed by such officer as the Admiralty may from time to time direct.

Amendment of 35 & 36 Vict. c. 67. s. 5.

5. The total number of boys and girls being educated and maintained under section five of the Greenwich Hospital Act, 1872,(1) at any one time shall not exceed such number as may from time to time be prescribed by her Majesty in council.

Exercise of powers of Admiralty under Greenwich Hospital Acts.

6. All powers authorities and duties conferred and imposed on the Admiralty by or under the Greenwich Hospital Acts, 1865 to 1883, or any of them, or any Act amending the same, may be exercised and performed by any one or more of the lords commissioners or secretaries of the Admiralty as the Admiralty may from time to time by minute or otherwise see fit to direct.

Eligibility of retired captains and commanders for appointment as naval knights of Windsor.

7. Whereas certain persons were incorporated by a royal charter under the name of "the poor knights of Windsor of the foundation of Samuel Travers, Esquire," and the persons eligible for appointment as such knights were superannuated or disabled lieutenants of English men-of-war.

And whereas by two Acts passed in the years one thousand eight hundred and sixty-one(2) and one thousand eight hundred and sixty-seven, it has been provided that the said poor knights should be styled naval knights, and that a lieutenant of the royal navy retired with the rank of commander should be eligible for appointment as one of such naval knights:

And whereas by reason of the insufficient number of persons suitable for appointment as naval knights of Windsor it is expedient to make commanders and captains on the retired list of the royal navy eligible for such appointment: Be it therefore enacted as follows:

(1.) A retired officer of the royal navy, with the rank of captain or commander, if otherwise qualified, shall be eligible for appointment as one of the naval knights of Windsor:

(2.) A person who has been appointed as naval knight of Windsor shall not become disqualified by reason of his succeeding to the rank of a commander, or a captain, or a flag officer:

(3.) The said knights shall continue to be styled naval knights.

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(1) *See* p. 527, *ante*. (2) *See* 24 & 25 Vict. c. 116.

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48 & 49 Victoria.—A.D. 1885.

CAP. XLIX.

An Act to carry into effect an International Convention for the Protection of Submarine Telegraph Cables.

[6th August 1885.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Submarine Telegraph Act, 1885.

Confirmation of convention.

2. The convention of the fourteenth of March one thousand eight hundred and eighty-four mentioned in the schedule to this Act as set forth in that schedule is hereby confirmed, and subject to the provisions of this Act the articles of such convention (referred to in this Act as the convention) shall be of the same force as if they were enacted in the body of this Act.

Punishment for violation of article 2 of convention.

3. (1.) A person shall not unlawfully and wilfully, or by culpable negligence, break or injure any submarine cable to which the convention for the time being applies, in such manner as might interrupt or obstruct in whole or in part telegraphic communication.

(2.) Any person who acts or attempts to act in contravention of this section shall be guilty of a misdemeanour, and on conviction—

(*a.*) if he acted wilfully, shall be liable to penal servitude for a term not exceeding five years, or to imprisonment, with or without hard labour, for a term not exceeding two years and to a fine either in lieu of or in addition to such penal servitude or imprisonment; and

(*b.*) if he acted by culpable negligence, shall be liable to imprisonment for a term not exceeding three months, without hard labour, and to a fine not exceeding one hundred pounds either in lieu of or in addition to such imprisonment.

(3.) Where a person does any act with the object of preserving the life or limb of himself or of any other person, or of preserving the vessel to which he belongs or any other vessel, and takes all reasonable precautions to avoid injury to a submarine cable, such person shall not be deemed to have acted unlawfully and wilfully within the meaning of this section.

(4.) A person shall not be deemed to have unlawfully and wilfully broken or injured any submarine cable, where in the bonâ fide attempt to repair another submarine cable injury has been done to such first-mentioned cable, or the same has been

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broken; but this shall not apply so as to exempt such person from any liability under this Act or otherwise to pay the cost of repairing such breakage or injury.

(5.) Any person who within or (being a subject of her Majesty) without her Majesty's dominions in any manner procures, counsels, aids, abets, or is accessory to the commission of any offence under this section, shall be guilty of a misdemeanour, and shall be liable to be tried and punished for the offence as if he had been guilty as a principal.

Limitation of article four of convention.

4. Article four of the schedule to this Act shall not apply to that part of a cable which is laid in a depth of water exceeding one hundred fathoms; but nothing in the convention or this Act shall take away, prejudice, or affect any right or remedy to which by law any party is or may be entitled otherwise than under the provisions of the convention or this Act.

Application of law as to lights and signals for carrying into effect articles five and six of convention.
25 & 26 Vict. c. 63.

5. (1.) It is hereby declared that the enactments of the Merchant Shipping Act, 1862,(1) and the enactments amending the same, touching regulations as to lights and signals and for the avoiding of collisions, shall extend to authorise regulations for carrying into effect articles five and six of the schedule to this Act, within as well as without the territorial waters of her Majesty's dominions, and regulations may be made, applied, altered, and revoked, and the contravention thereof punished accordingly under the said enactments, and section six(2) of the Sea Fisheries Act, 1883, shall extend to the enforcement of the said regulations as regards sea-fishing boats within the limits of that Act.

(2.) If any vessel engaged in the laying or repairing of a submarine cable to which the convention for the time being applies, interferes contrary to the said regulations or articles with any vessel engaged in fishing, or if the operations of any vessel in connexion with any such submarine cable are wilfully delayed so as to interfere with sea-fishing, the master of the vessel, or the owner thereof, if it appear that he was in fault, shall be deemed guilty of a breach of the said regulations and may be punished accordingly.

Powers of British and foreign officers.

6. (1.) For the purpose of carrying into effect the convention, a person commanding a ship of war of her Majesty or of any foreign state for the time being bound by the convention, or a ship specially commissioned for the purpose of the convention by her Majesty or by the government of such foreign state, may exercise and perform the powers and duties vested in and imposed on such officer by any article in the schedule to this Act.

(2.) If any person obstructs any such officer in such exercise or performance, or refuses or neglects to comply with any

(1) 25 & 26 Vict. c. 63. ss. 25.–32., 57., 58., pp. 320 and 323, *ante*, and ss. 61.–64.
(2) *See* p. 646, *ante*.

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demand or direction lawfully made or given by him in pursuance of this Act, such person shall be liable, on summary conviction, to a fine not exceeding fifty pounds, or to be imprisoned for a term not exceeding two months, with or without hard labour.

(3.) Any action, prosecution, or proceeding against any officer for any act done in pursuance or execution or intended execution of this Act, or in respect of any alleged neglect or default in the execution of this Act, shall not lie or be instituted unless it is commenced within twelve months next after the act, neglect, or default complained of.

(4.) In any such action tender of amends before the action was commenced may, in lieu of or in addition to any other plea, be pleaded. If the action was commenced after such tender, or is proceeded with after payment into court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not recover more than the sum tended or paid, he shall not recover any costs incurred after such tender or payment, and the defendants shall be entitled to costs, to be taxed as between solicitor and client, as from the time of such tender or payment.

(5.) Every such action shall be brought in one of her Majesty's superior courts in the United Kingdom (which courts shall have jurisdiction to try the same wherever the matter complained of occurred) or in a supreme court in India or in a court exercising in a British possession the like authority as the high court of justice in England, but in no other court whatsoever.

Incorporation of Part X. of 17 & 18 Vict. c. 104.

7.(1) Part X. of the Merchant Shipping Act, 1854 (which relates to legal procedure), and the enactments amending the same, so far as unrepealed, shall have effect as if enacted in this Act, and offences under this Act may be tried, and fines under this Act recovered accordingly, save that nothing in the said part shall authorise the award of any punishment not authorised by this Act, or the summary prosecution of any indictable offence under this Act.

Evidence.

8. (1.) Any document drawn up in pursuance of article seven or article ten of the schedule to this Act shall be admissible in any proceeding, civil or criminal, as primâ facie evidence of the facts or matters therein stated.

(2.) If evidence contained in any such document was taken on oath in the presence of the person charged in such evidence, and such person had an opportunity of cross-examining the person giving such evidence and of making his reply to such evidence, the officer drawing up such document may certify the said facts, or any of them.

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(1) *See* p. 227, *ante*, and the Merchant Shipping Act Amendment Act, 1855 (18 & 19 Vict. c. 91.), s. 21., p. 238, *ante*.

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(3.) Any document or certificate in this section mentioned purporting to be signed by an officer authorised to act under the schedule to this Act for carrying into effect the convention, shall be admissible in evidence without proof of such signature, and, if purporting to be signed by any other person, shall, if certified by any such officer to have been so signed, be deemed until the contrary is proved to have been signed by such other person.

(4.) If any person forges the signature of any such officer to any such document as above mentioned, or makes use of any such document knowing the signature thereto to be forged, such person shall be guilty of a misdemeanour and liable on summary conviction to imprisonment for a term not exceeding three months with or without hard labour, and on conviction on indictment to imprisonment with or without hard labour for a term not exceeding two years.

Liability of masters of vessels.

9. Where any offence against this Act has been committed by means of a vessel, or of any boat belonging to a vessel, the master of such vessel shall, until some other person is shown to have been in charge of and navigating such vessel or boat, be deemed to have been in charge of and navigating the same, and be liable to be punished accordingly.

Savings.

10. The provisions of this Act shall be in addition to and not in derogation of any other provisions existing at common law or under Act of Parliament or under the law of a British possession for the protection of submarine cables; and nothing in this Act shall prevent any person being liable under any Act of Parliament, law of a British possession, or otherwise to any indictment, proceeding, punishment, or penalty other than is provided for any offence by this Act, so that no person shall be punished twice for the same offence; and nothing in this Act, nor any proceedings with respect to any matter, shall exempt a person from any liability in any action or suit with reference to the same matter so that no person shall be required to pay compensation twice in respect of the same injury.

Extent of Act.

11. This Act shall so far as such extension is consistent with the tenor of this Act extend to the whole of her Majesty's dominions, and to all places within the jurisdiction of the admiral of England, and to all places where her Majesty has jurisdiction.

Definitions.

12. In this Act, unless the context otherwise requires,

The expression "vessel" means every description of vessel used in navigation in whatever way it is propelled; and any reference to a vessel shall include a reference to a boat belonging to such vessel:

The expression "master" includes every person having command or charge of a vessel:

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The expression "British possession" includes any part of her Majesty's dominions exclusive of the United Kingdom:

The expression "person" includes a body of persons corporate or unincorporate.

Commencement and continuance of Act.

13. This Act shall come into force on such day as may be fixed by a notice in that behalf published in the London Gazette, and if the convention ceases to be binding on her Majesty, shall cease to be of any effect.

SCHEDULE.

SUBMARINE TELEGRAPHS CONVENTION.

CONVENTION for the preservation of telegraphic communications by means of submarine telegraphs made on the 14th of March 1884, between her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, his Majesty the German Emperor, King of Prussia, his Excellency the President of the Argentine Confederation, his Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary, his Majesty the King of the Belgians, his Majesty the Emperor of Brazil, his Excellency the President of the Republic of Costa Rica, his Majesty the King of Denmark, his Excellency the President of the Dominican Republic, his Majesty the King of Spain, his Excellency the President of the United States of America, his Excellency the President of the United States of Colombia, his Excellency the President of the French Republic, his Excellency the President of the Republic of Guatemala, his Majesty the King of the Hellenes, his Majesty the King of Italy, his Majesty the Emperor of the Ottomans, his Majesty the King of the Netherlands, Grand Duke of Luxemburg, his Majesty the Shah of Persia, his Majesty the King of Portugal and the Algarves, his Majesty the King of Roumania, his Majesty the Emperor of all the Russias, his Excellency the President of the Republic of Salvador, his Majesty the King of Servia, his Majesty the King of Sweden and of Norway, and his Excellency the President of the Oriental Republic of the Uruguay.

The following is an English translation of the convention with the omission of the formal beginning and end:—

ARTICLE I.

The present convention applies outside territorial waters to all legally established submarine cables landed on the territories, colonies, or possessions of one or more of the high contracting parties.

ARTICLE II.

It is a punishable offence to break or injure a submarine cable, wilfully or by culpable negligence, in such manner as might interrupt or obstruct telegraphic communication, either wholly or partially, such punishment being without prejudice to any civil action for damages.

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This provision does not apply to cases where those who break or injure a cable do so with the lawful object of saving their lives or their ship, after they have taken every necessary precaution to avoid so breaking or injuring the cable.

Article III.

The high contracting parties undertake that, on granting a concession for landing a submarine cable, they will insist, so far as possible, upon proper measures of safety being taken, both as regards the track of the cable and its dimensions.

Article IV.

The owner of a cable who, on laying or repairing his own cable breaks or injures another cable, must bear the cost of repairing the breakage or injury, without prejudice to the application, if need be, of Article II. of the present convention.

Article V.

Vessels engaged in laying or repairing submarine cables shall conform to the regulations as to signals which have been, or may be, adopted by mutual agreement among the high contracting parties, with the view of preventing collisions at sea.

When a ship engaged in repairing a cable exhibits the said signals, other vessels which see them, or are able to see them, shall withdraw to or keep beyond a distance of one nautical mile at least from the ship in question, so as not to interfere with her operations.

Fishing gear and nets shall be kept at the same distance.

Nevertheless, fishing vessels which see or are able to see a telegraph ship exhibiting the said signals shall be allowed a period of twenty-four hours at most within which to obey the notice so given, during which time they shall not be interfered with in any way.

The operations of the telegraph ships shall be completed as quickly as possible.

Article VI.

Vessels which see, or are able to see, the buoys showing the position of a cable when the latter is being laid, is out of order, or is broken, shall keep beyond a distance of one-quarter of a nautical mile at least from the said buoys.

Fishing nets and gear shall be kept at the same distance.

Article VII.

Owners of ships or vessels who can prove that they have sacrificed an anchor, a net, or other fishing gear in order to avoid injuring a submarine cable shall receive compensation from the owner of the cable.

In order to establish a claim to such compensation, a statement, supported by the evidence of the crew, should, whenever possible, be drawn up immediately after the occurrence; and the master must, within twenty-four hours after his return to, or next putting into port, make a declaration to the proper authorities.

The latter shall communicate the information to the consular authorities of the country to which the owner of the cable belongs.

Article VIII.

The tribunals competent to take cognizance of infractions of the present convention are those of the country to which the vessel on board of which the offence was committed belongs.

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It is, moreover, understood that, in cases where the provisions in the previous paragraph cannot apply, offences against the present convention will be dealt with in each of the contracting states in accordance, so far as the subjects and citizens of those states respectively are concerned, with the general rules of criminal jurisdiction prescribed by the laws of that particular state, or by international treaties.

ARTICLE IX.

Prosecutions for infractions provided against by Articles II., V., and VI. of the present convention shall be instituted by the state, or in its name.

ARTICLE X.

Offences against the present convention may be verified by all means of proof allowed by the legislation of the country of the court. When the officers commanding the ships of war, or ships specially commissioned for the purpose by one of the high contracting parties, have reason to believe that an infraction of the measures provided for in the present convention has been committed by a vessel other than a vessel of war, they may demand from the captain or master the production of the official documents proving the nationality of the said vessel. The fact of such document having been exhibited shall then be endorsed upon it immediately. Further, formal statements of the facts may be prepared by the said officers, whatever may be the nationality of the vessel incriminated. These formal statements shall be drawn up in the form and in the language used in the country to which the officer making them belongs; they may be considered, in the country where they are adduced, as evidence in accordance with the laws of that country. The accused and the witnesses shall have the right to add, or to have added, thereto, in their own language, any explanations they may consider useful. These declarations shall be duly signed.

ARTICLE XI.

The proceedings and trial in cases of infraction of the provisions of the present convention shall always take place as summarily as the laws and regulations in force will permit.

ARTICLE XII.

The high contracting parties engage to take or to propose to their respective legislatures the necessary measures for insuring the execution of the present convention, and especially for punishing, by either fine or imprisonment, or both, those who contravene the provisions of Articles II., V., and VI.

ARTICLE XIII.

The high contracting parties will communicate to each other laws already made, or which may hereafter be made, in their respective countries relating to the object of the present convention.

ARTICLE XIV.

States which have not signed the present convention may adhere to it on making a request to that effect. This adhesion shall be notified through the diplomatic channel to the government of the French Republic, and by the latter to the other signatory powers.

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ARTICLE XV.

It is understood that the stipulations of the present convention do not in any way restrict the freedom of action of belligerents.

ARTICLE XVI.

The present convention shall be brought into force on a day to be agreed upon by the high contracting powers.

It shall remain in force for five years from that day, and unless any of the high contracting parties have announced, twelve months before the expiration of the said period of five years, its intention to terminate its operation, it shall continue in force for a period of one year, and so on from year to year.

If one of the signatory powers denounce the convention, such denunciation shall have effect only as regards that power.

ARTICLE XVII.

The present convention shall be ratified, and the ratifications exchanged at Paris with as little delay as possible, and, at the latest, at the expiration of a year.

ADDITIONAL ARTICLE.

The stipulations of the convention concluded under to-day's date for the protection of submarine cables shall be applicable, in conformity with Article I., to the colonies and possessions of her Britannic Majesty, with the exception of those herein-after mentioned, namely:—

Canada.
Newfoundland.
The Cape.
Natal.
New South Wales.
Victoria.
Queensland.
Tasmania.
South Australia.
Western Australia.
New Zealand.

Provided always, that the stipulations of the said convention shall be applicable to any of the above-named colonies or possessions on whose behalf notice to that effect shall have been given by her Britannic Majesty's representative at Paris to the French minister for foreign affairs.

Each of the above-named colonies or possessions which may have acceded to the said convention shall be at liberty to withdraw from it in the same manner as the powers parties to it. In the event of any of the said colonies or possessions desiring to withdraw from the convention, a notification to that effect shall be made by her Britannic Majesty's representative at Paris to the French minister for foreign affairs.

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48 & 49 Victoria.—A.D. 1885.

CAP. LXIV.(1)

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and eighty-six, and to appropriate the Supplies granted in this Session of Parliament. [14th August 1885.]

Declaration required in certain cases before receipt of sums appropriated.

6. A person shall not receive any part of a grant which may be made in pursuance of this Act for half pay, or army, navy, or civil non-effective services until he has subscribed such declaration as may from time to time be prescribed by a warrant of the commissioners of her Majesty's Treasury before one of the persons prescribed by such warrant.

Provided that, whenever any such payment is made at more frequent intervals than once in a quarter, the commissioners of her Majesty's Treasury may dispense with the production of more than one declaration in respect of each quarter.

Any person who makes a declaration for the purpose of this section, knowing the same to be untrue in any material particular, shall be guilty of a misdemeanor.

Short title of Act.

7. This Act may be cited for all purposes as the Appropriation Act, 1885.

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48 & 49 Victoria.—A.D. 1885.

CAP. LXX.

An Act to amend the Law relating to Scottish Sea Fisheries and for other purposes relating thereto. [14th August 1885.]

46 & 47 Vict. c. 22.

WHEREAS it is expedient to amend the Sea Fisheries Act, 1883, in so far as it applies to Scottish sea fisheries:

Be it therefore enacted, by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Sea Fisheries (Scotland) Amendment Act, 1885, and shall be read and construed along with the Sea Fisheries Act, 1883.(2)

Application.

2. This Act shall apply only to Scotland, and to the parts of the sea adjoining Scotland.

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(1) This enactment has technically expired, but it is re-enacted verbatim in the Appropriation Act, 1886 (49 & 50 Vict. c. 26.), s. 6.

(2) 46 & 47 Vict. c. 22., p. 644, *ante*.

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Definition. 31 & 32 Vict. c. 45. 38 Vict. c. 15.

3. In this Act "Sea Fisheries Acts" shall mean the Sea Fisheries Act, 1868,(1) the Sea Fisheries Act, 1875,(2) and the Sea Fisheries Act, 1883,(3) and this Act.

Fishery board may make byelaws prohibiting or regulating trawling within defined areas.

4. When the fishery board for Scotland, herein-after called the fishery board, are satisfied that any mode of fishing in any part of the sea adjoining Scotland, and within the exclusive fishery limits of the British Islands, is injurious to any kind of sea fishing within that part, or where it appears to the fishery board desirable to make experiments or observations with the view of ascertaining whether any particular mode of fishing is injurious, or for the purposes of fish culture or experiments in fish culture, the fishery board may make byelaws for restricting or prohibiting, either entirely or subject to such regulations as may be provided by the byelaw, any method of fishing for sea fish within the said part, during such time or times as they think fit, and may from time to time make byelaws for altering or revoking any such byelaws.

A byelaw under this Act shall not be of any validity until it is confirmed by the secretary for Scotland.

A byelaw shall not be confirmed until the expiration of one month after notice of the intention to apply for its confirmation has been given by the fishery board by advertisement in one or more newspapers circulating in the county or counties adjoining the part of the sea to which such byelaw applies.

The secretary for Scotland shall allow any person to make a representation for his interest against the confirmation of any byelaw, on a notice of objection being given by such person to the fishery board within the said period of one month, and may, if he see fit, allow parties to be heard thereon.

Every byelaw when confirmed shall be published in the Edinburgh Gazette, and in such further mode as the secretary for Scotland may direct.

A copy of the Edinburgh Gazette containing a byelaw shall be evidence in all legal proceedings until the contrary is proved of the due making, confirmation, and existence of such byelaw, without further or other proof.

Any person contravening a byelaw duly confirmed shall be guilty of an offence under the Sea Fisheries Act, 1883, and shall be liable on summary conviction to a fine not exceeding one hundred pounds, and failing immediate payment of the fine to imprisonment for a period not exceeding sixty days, without prejudice to diligence by poinding or arrestment, if no imprisonment has followed on the conviction.

Steam trawlers fishing off Scotland to have

5. Every British sea-fishing boat propelled by steam, fishing in any part of the sea adjoining Scotland, shall, in addition to having the number and letters painted on the bow in manner

(1) 31 & 32 Vict. c. 45., p. 437, *ante*. (2) 38 & 39 Vict. c. 15., p. 568, *ante*.
(3) 46 & 47 Vict. c. 22., p. 644, *ante*.

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provided by the Sea Fisheries Act, 1883,(1) have the initial letter or letters of the port to which it belongs, and the registry number in the series of numbers for that port, painted in white oil-colour on a black ground, on the funnel twelve inches from the top, and on the quarter three or four inches below the gunwale, and so as to be clearly visible, of the dimensions prescribed for the letters and numbers on the bow by the regulations in force for the time being for the lettering, numbering, and registering of British sea-fishing boats under the Sea Fisheries Acts or any Act amending the same. letters and numbers painted on the quarter.

This section shall be enforced in the same manner as if it were contained in such regulations.

It shall be the duty of the fishery board to enforce the provisions of the Sea Fisheries Acts, and of any orders in council following thereon, with respect to the numbering and lettering of fishing boats by directing their officers being sea fishery officers to use the powers in that behalf conferred upon sea fishery officers by the said Acts and orders in council.

6. The fishery board shall have power to require all fishermen and other persons belonging to British sea-fishing boats, and all fish curers catching or curing any kind of sea fish in Scotland, or in any part of the sea adjoining Scotland, to make returns, in such form and at such periods as may be prescribed by the fishery board with the sanction of the secretary for Scotland, of all sea fish which are caught or cured by them respectively. Fishery board may require statistics of sea fisheries.

The secretary for Scotland, before sanctioning the form or period prescribed for any such return, shall communicate with the Board of Trade, and copies of all such returns shall be immediately furnished by the fishery board to the Board of Trade.

Any person failing to make a full and correct return under this section shall be guilty of an offence against the Sea Fisheries Act, 1883, and shall be liable on summary conviction to a fine not exceeding twenty pounds.

7. Every case under the Sea Fisheries Acts may be prosecuted in any sheriff court which the fishery board may declare, by a notice under the hand of the secretary to the board to the procurator fiscal of such sheriff court, to be the court nearest to the spot where the offence was committed, or otherwise the most convenient for the trial of the case. Sea fishery officer may award compensation under ten pounds.

Where an offence has been committed by any person belonging to a British sea-fishing boat in Scotland, or in any part of the sea adjoining Scotland, against the Sea Fisheries Acts, whereby any injury is done by one sea-fishing boat to another, or the nets, lines, and gear thereof, or any of the apparatus used

(1) *See* the Sea Fisheries Act, 1883 (46 & 47 Vict. c. 22.), s. 8., sub-sec. 2., p. 647, *ante*, and Customs Consolidation Act, 1876 (39 & 40 Vict. c. 36.), s. 176., p. 600, *ante*.

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in fishing by the said boat, it shall be lawful for any sea fishery officer to whom complaint is made by the party injured, verbally or in writing, to make such examination or inquiry into the said complaint as he deems necessary, and, after affording the respondent an opportunity of being heard, to prepare and sign a report to the fishery board, setting forth succinctly the facts of the case and the amount of the damage done, and he shall supply a copy of such report to the party injured or to the respondent on payment of the sum of one shilling therefor, and it shall be competent for either party in any legal proceedings that may be raised for the recovery of the damage or any part thereof, to call upon the fishery board to transmit such report to the clerk of the court in which such case is to be tried, and such report shall be received as evidence in the cause without requiring that the said sea fishery officer shall appear to make oath to the truth thereof, and when such report is produced, no other evidence shall be received of the amount of such damage unless the court shall consider it necessary, in order to be able to do justice in the cause; and in any case in which the damage as found by the sheriff before whom the case comes for trial shall exceed twelve pounds, appeal shall be competent as in ordinary causes before the sheriff court.

Compensation for damage caused by offence.

8. Where any offence is committed, as set forth in section seven hereof, it shall be competent for the person whose property has been injured to give notice in writing to the person committing such offence, and to the sheriff clerk, that at the trial of said offence the sheriff will be called upon to consider and dispose of the question of damages, and, in such case, the evidence led at said trial shall be evidence for the consideration of the sheriff on the question of damages, and the sheriff, at the conclusion of the said trial, shall proceed to consider and dispose of the question of compensation to the injured party, and if a report of a sea fishery officer has been produced, as set forth in section seven hereof, the sheriff shall not allow any additional evidence to be heard unless he shall consider it to be necessary in order to do justice in the case; and, if he shall allow additional evidence, the accused person shall be allowed to be examined as a witness on the question of the amount of damages, and shall, if oral evidence is to be taken on the question of damages, allow the accused person to be examined as a witness on the question of damages, and shall, after hearing parties, give decree as in an ordinary action before the sheriff court.

Powers of sea fishery officers.

10. For the purpose of carrying out the provisions of this Act, sea fishery officers shall have all the powers conferred upon sea fishery officers by section twelve of the Sea Fisheries Act, 1883.

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48 & 49 Victoria.—A.D. 1885.

CAP. LXXIX.

An Act to amend the Law relating to the management of the Woods, Forests, and Land Revenues of the Crown. [14th August 1885.]

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short titles of Acts.

1. This Act may be cited as the Crown Lands Act, 1885.

Each of the Acts mentioned in the first schedule to this Act is in this Act referred to and may for all purposes be cited by the short title in that behalf in the third column of that schedule mentioned.

Definition of commissioners of woods.

2. In this Act the expression "commissioners of woods" means the commissioners for the time being of her Majesty's woods, forests, and land revenues, and those commissioners may be referred to in any Act deed or document by the name commissioners of woods.

Amendment of General Acts.

Extension of duration of lease to foreshore comprised in oyster or mussel fishery order.

3. Whereas under the Sea Fisheries Act, 1868,(1) and the Acts amending the same, orders can be made for the establishment improvement maintenance and regulation of oyster and mussel fisheries on the sea shore(2) as therein defined, subject to the limitation that a right of several fishery or of regulating a fishery shall not exceed sixty years:

And whereas it is expedient to extend the power of the commissioners of woods under the Crown Lands Act, 1829, and of the Board of Trade, to grant a lease of such portion of the said sea shore as is under their management respectively, so that the lease may be granted for the same term as that specified in the fishery order: Be it therefore enacted as follows:

31 & 32 Vict. c. 45.
10 Geo. 4. c. 50. s. 22.

Where an order under the Sea Fisheries Act, 1868, and the Acts amending the same, has been made for an oyster and mussel fishery as defined by that Act on part of the sea shore within the meaning of that Act, and such part of that sea shore or any portion thereof is under the management of the commissioners of woods or of the Board of Trade, those commissioners or the Board of Trade, as the case may be, may grant a lease of so much of the said sea shore as is under their management respectively, for a period not exceeding the duration of the

(1) *See* p. 437, *ante*.
(2) *See* 31 & 32 Vict. c. 45. s. 29., p. 445, *ante*.

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rights conferred by the order, and not exceeding sixty years. Any lease of sea shore which may have been granted for a longer term than thirty-one years by the Board of Trade before the passing of this Act in respect of a fishery comprised in an order made under the Sea Fisheries Act, 1868, and the Acts amending the same, shall be valid as if it had been granted under the powers of this Act.

FIRST SCHEDULE.

Session and Chapter.	Long Title.	Short Title.
10 Geo. 4. c. 50. -	An Act to consolidate and amend the laws relating to the management and improvement of his Majesty's woods, forests, parks, and chases; of the land revenue of the Crown within the survey of the Exchequer in England; and of the land revenue of the Crown in Ireland; and for extending certain provisions relating to the same to the Isles of Man and Alderney.	The Crown Lands Act, 1829.
14 & 15 Vict. c. 42.	An Act to make better provision for the management of the woods, forests, and land revenues of the Crown, and for the direction of public works and buildings.	The Crown Lands Act, 1851.

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